



Southwest Montana Workforce Development System



**EMPLOYERS'
TOOL KIT**

Table of Contents

SOUTHWEST MONTANA WORKFORCE DEVELOPMENT SYSTEM

EMPLOYERS' TOOL KIT

Welcome

Pages 1 – 7

Hiring & Retaining Tools

Pages 8 - 59

Local Resources

Pages 9 - 11

Hiring Talent

Page 12

Determining Workplace Strength

Page 13

Generational Shift

Page 14

Essential Functions

Page 15

Job Descriptions

Pages 16 – 19

Job Applications

Pages 20

Discrimination

Page 25

Job Interviews

Pages 26 – 28

Checking References

Pages 29 – 30

New Employee Checklist

Page 32

Applicant Rejection

Page 33

Basic Employer Requirements

Page 34

Employee Handbooks

Pages 35 – 37

Personnel Files

Pages 38 – 39

Record Retention

Page 40

Performance Evaluations

Pages 41 – 46

Progressive Discipline

Pages 47 - 55

Cost of Turnover

Pages 56 – 59

Training

Pages 60 – 72

Training Your Workforce

Pages 61 - 67

Soft Skills

Pages 68 – 72

Employment Laws

Pages 73 – 84

Wage and Hour Laws

Pages 74 – 79

Independent Contractors

Pages 80- 82

Required Posters

Page 83

Employment Laws Overview

Page 84

Developing Your Business

Pages 85 - 90

Business Requirements

Page 86

Labor Market Information

Page 87

Economic Development Contacts

Pages 88 -90

Forms

Pages 91 – 105

New Hire Reporting Law

Page 92

Tax Credit Program for Employers

Page 93

Basic Employer Requirements

Page 94

Sample Job Application

Pages 95 – 96

Sample Interview Form

Page 97

Sample Telephone Reference Check Form

Page 98

New Employee Orientation Checklist

Page 99

Progressive Discipline Warning Checklist

Page 100

Disciplinary Notice

Page 101

Employee Termination Exit Checklist

Page 102

Retention Analysis Survey

Page 103

Soft Skills Quiz

Pages 104 – 105

Contacts

Pages 106 – 115

Government Contacts

Pages 107 – 108

Partner Agencies

Pages 109 – 115





**"He that has a Trade
has an Office of Profit
and Honour."**

Benjamin Franklin
Poor Richard's Almanack



Welcome

Southwest Montana Workforce Development System



**Butte-Silver Bow
Whitehall-Jefferson**

**Anaconda-Deer Lodge
Philipsburg-Granite**

**Dillon-Beaverhead-Madison
Deer Lodge-Powell**

**Welcome From -
The Southwest Montana Workforce Development System Members**

The Southwest Montana Workforce Development System was developed in response to the Workforce Investment Act of 1998. A Community Management Team (CMT) was formed consisting of a network of community partners who offer a variety of employment and training services. We have come together to further develop our local workforce development system. Our goal is to deliver a comprehensive menu of services to employer and job seeking customers that allows easy access and a seamless delivery of information and assistance. The Southwest Montana Workforce Development System provides services in Butte Silver Bow, Anaconda Deer Lodge, Powell, Granite, Beaverhead, Madison, and Jefferson (Whitehall) Counties.

Partners provide a variety of career enhancements, training, and placement services to our local labor force, students, older workers, dislocated workers, those physically and mentally challenged, and the disadvantaged. Employers can access job listings, labor market information, job matching and screening, tax credits and subsidized employment as well as information on personnel practices, legal issues, and tips for workforce management. We have an average of 5,000 job seekers registered for services at any given time.

This symbol represents the name and common logo given to Montana's Workforce Development Systems. It visibly demonstrates the strong links and cooperation between partners to provide you with the resources needed to improve the quality of the workforce and sustain economic growth and productivity. This logo identifies our partners, insuring a "no wrong door" approach for accessibility to our services. The partner agencies in our counties are listed as follows:



Southwest Montana Job Service Workforce Centers
Southwest Montana Offices of Public Assistance
Human Resource Council, District XII
Society of Human Resource Managers
North American Indian Alliance
AFL-CIO Project Challenge: Work Again
University of Montana at Western Montana College
Butte Silver Bow Community Health Center
Beaverhead County Women's Resource Center
Community Counseling & Correctional Services, Inc.
Southwest Montana School Districts
Job Service Employers Councils
Butte 4C's
Southwest Montana Economic Development Corps.
New Hope Pregnancy Center

Career Futures, Inc.
Job Corp DESI
REO, Inc.
Vocational Rehabilitation
Early Head Start/AWARE
Anaconda Job Corps Center
Montana Tech of the U of M
Powell County Literacy
BSW, Inc.
PCA Family Resource Center
Experience Works!
Western MT Mental Health
Chambers of Commerce
County Commissioners
Montana Youth ChalleNGe

We are committed to our employers and make business retention and development a priority. Please feel free to contact Brenda Hipp – Community Management Team Chair at 406-494-0303 or Mary Berg - Community Management Team Vice Chair at 406-723-9101 with any questions.



**Butte-Silver Bow
Whitehall-Jefferson**

**Anaconda-Deer Lodge
Philipsburg-Granite**

**Dillon-Beaverhead-Madison
Deer Lodge-Powell**

Definition

The Southwest Montana Workforce Development System is a system of physical locations that provide a wide variety of employment and training services through electronic connectivity and the collocation of staff from partnering agencies. Services provided include core services, which are universally available to customers without eligibility determination, and intensive and training services, which may require eligibility determination.

Mission Statement

The mission of the Southwest Montana Workforce Development System is to develop a collaborative, integrated, customer driven, workforce investment system that is responsive to all customers. The Southwest Montana Workforce Development System will continue to improve the services provided and will meet the needs of Southwest Montana's workers as well as businesses, by providing workers with the training and skills needed to compete in the workforce.

Vision Statement

The vision for the Southwest Montana Workforce Development System is to provide a customer driven, customer friendly system, which prepares, trains, and connects a highly skilled workforce to business. The Southwest Montana Workforce Development System assists individuals in employment and self-sufficiency by providing job training, a means to make informed choices, and enhanced access to the job market through collaboration and coordination of all partner agencies.

Principles

- ◆ Training that provides people with jobs to maintain a self-sufficient standard of living.
- ◆ Training services that are available to all citizens, including workers, with more services provided to those in need.
- ◆ Customer satisfaction that empowers the customer to make educated and informed choices about their place in the workforce.



Butte-Silver Bow
Whitehall-Jefferson

Anaconda-Deer Lodge
Philipsburg-Granite

Dillon-Beaverhead-Madison
Deer Lodge-Powell

What is a One Stop Workforce Center?

The One Stop Workforce Center is the centrally located place where job seekers can access job training, education, and employment services. Although not all of the services may be provided under one roof, information about how and where to access them is available at one location. **The One Stop Workforce Center will provide employers with a single point of contact for information about job openings and the current and future skills that their workers will need.**

Where are the One Stop Workforce Centers located?

There will be at least one One Stop Workforce Center in each workforce investment area. The State's Governor will designate local workforce investment area and oversee local workforce investment boards. The Governor will take into account factors such as population and labor market statistics in designating areas throughout the state.

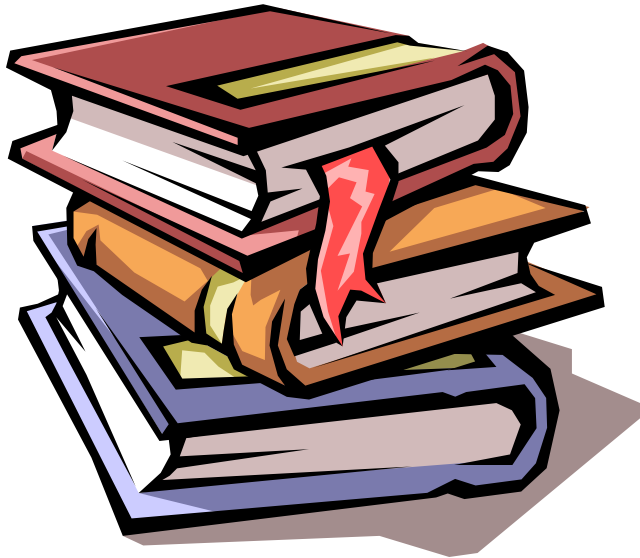
How are One Stop Workforce Centers chosen?

A local planning body composed of private sector employers, government agency representatives, and local not-for-profit organization representatives called a Workforce Investment Board (WIB) selects the One Stop Workforce Center Operator. The Operators may be a public or private entity, or a consortium of such entities, including post secondary educational institutions, private for-profit or non-profit entities, government agencies, one stop partners, or other organizations.

Customer to the One Stop Workforce Center may receive the following assistance and services:

- | | |
|------------------------------|----------------------------------------------|
| ◆ Job Service Information | ◆ Supportive Services |
| ◆ Resume Preparation | ◆ Youth Program Services |
| ◆ Job Development | ◆ Adult Education Information |
| ◆ Lay Off Services | ◆ Veteran Services |
| ◆ On-the-Job Training | ◆ Basic Skills Training |
| ◆ School-to-Work Information | ◆ Vocational Skills Training |
| ◆ College Course Planning | ◆ Assistance for Customers with Disabilities |

Thank You!



This Resource Guide is a product of the Southwest Montana Workforce Development System and is being published and printed with funds received from Montana Job Training Partnership, Inc. approved by the CEP Workforce Investment Board.

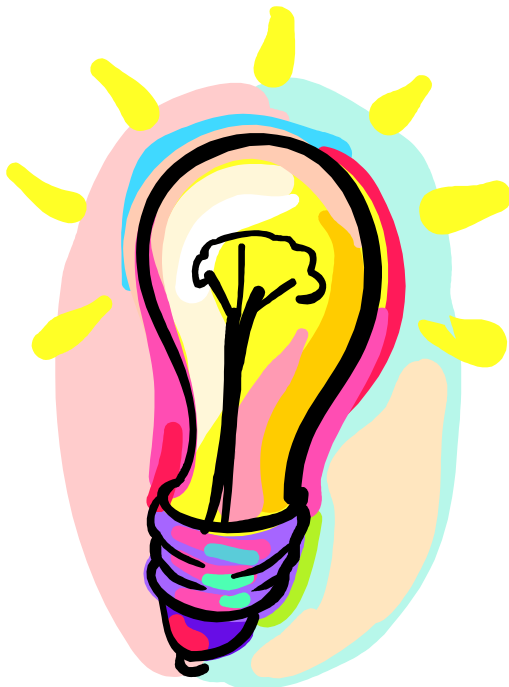
Authored and Edited By:

Lynn Clark, Shirley Cortright, Dan Dolan,
Leighanne Fogerty, Marilyn Ohman,
Tami Bishop Rhodes, and Paul Wiedeman



**"Industry, Perseverance, &
Frugality, Make
Fortune Yield."**

Benjamin Franklin
Poor Richard's Almanack



Hiring & Retaining Tools



HIRING & RETAINING TOOLS

We have compiled the following personnel information in this book to assist you with your employment-related needs. The following sections include information on hiring, applications, interviewing, checking references, employee handbooks, employee evaluations, employee retention, personnel records, progressive discipline, sexual harassment, wage and hour laws, employment laws, and other personnel-related information, as well as some forms and checklists to help you.

Information contained is not intended to be and should not be used as a substitute for specific legal advice, since legal opinions may only be given in response to inquiries regarding specific factual situations.

Please contact us if you have questions or need further assistance. We look forward to working with you!

The following members of the Southwest Montana Workforce Development System are available to assist you with employment information, referrals, labor market information, and personnel issues:

Dan Dolan
Butte/Anaconda Job Service
406-494-0315

Marilyn Ohman
Butte/Anaconda Job Service
406-563-4121

Shelly Unruh
Dillon Job Service
406-683-4259

Michelle Vincent
Butte/Anaconda Job Service
406-494-0314

Shirley Cortright
Butte/Anaconda Job Service
406-563-4122

Lynn Clark
Career Futures, Inc.
406-723-9101

HIRING & RETAINING TOOLS

Your Job Service Workforce Center has computer software available to assist employers with a variety of human resource functions:



Job Application

You can use a Job Service “Generic” Application – Please see page 21.

Job Description

We can assist you with creating a job description. With over 3,500 job descriptions to choose from, you can select a basic job description and make changes that reflect the employment needs of your business

Employee Handbooks

What does your handbook say? Your local Job Service Workforce Center can assist you in creating just a few employee policies or put together an entire handbook for your business.



Interview Questions

One of the most important decisions you make as an employer is hiring the right person for your job opening. We can help you by providing professionally prepared behavioral interview questions.

Contact us for Assistance

Butte Job Service Workforce Center – 406-494-0300
Anaconda Job Service Workforce Center – 406-563-3444
Dillon Job Service Workforce Center – 406-683-4259

HIRING & RETAINING TOOLS

❖ Workforce Centers

Butte Job Service Workforce Center
2201 White Blvd.
Butte, Montana 59701
406-494-0300

Anaconda Job Service Workforce Center
307 East Park Street
Anaconda, Montana 59711
406-563-3444

Dillon Job Service Workforce Center
730 North Montana Street
Dillon, Montana 59725
406-683-4259



❖ Partner Agencies

Career Futures, Inc.
49 North Main Street 2nd Floor
Butte, Montana 59701
406-723-9101

Experience Works!
50 West Broadway Street
Butte, Montana 59701
406-782-7049

North American Indian Alliance
100 East Galena Street
Butte, Montana 59701
406-782-0461

Montana AFL-CIO PCWA
2201 White Blvd.
Butte, Montana 59701
406-494-0322

HRC, District XII
700 Casey Street
Butte, Montana 59701
406-496-4975

Vocational Rehabilitation
700 Casey Street
Butte, Montana
406-496-4925

❖ Staffing & Temporary Leasing Agencies

Express Personnel Services
700 East Front Street
Butte, Montana 59701
406-723-6531

Spherion
1015-A South Montana Street
Butte, Montana 59701
406-782-1130

HIRING & RETAINING TOOLS

Human potential is the last great frontier for gaining a competitive edge in organizations today. In the past, an organization's value was in hard goods—value that could be measured in inventory and equipment. However in today's knowledge-based economy, it is the utilization of talents, knowledge, skills and abilities that gives the organization its value.



So, what is talent? Talent is any recurring pattern of thought, feeling, or behavior. Most of us establish about 13 innate talents or strengths by age 13. Understanding that each person possesses these enduring patterns of thought, feeling, and behavior is incredibly liberating as you then realize you are not responsible for changing people's behavior. By discussing people's talents, you can match them to what they normally, naturally are good at and enjoy doing. You can develop a talent profile to assist you in putting the right people in the right jobs. This helps you to hire effectively and adjust your current workforce to maximize its potential.

Positive, engaged employees drive business outcomes, because engaged employees engage customers. They create positive, enthusiastic customers who visit more often, spend more per visit, give positive word of mouth referrals, perceive more value and pay a higher margin. To the employer, this means increased productivity, profit, customer satisfaction and retention of employees.

Talented employees need great managers to allow and develop talent into great performance. They need someone to focus on their strengths not their weaknesses. They need someone to set clear expectations—define the right outcomes, not the right steps.

There are three basic categories for diverse talents:

Striving talents explain the **WHY** of a person—why they are driven

Thinking talents explain the **HOW** of a person—how they think, how they weigh up alternatives, how they come to a decision

Relating talents explain the **WHOM** of a person—whom they trust, whom they build relationships with, whom they confront and whom they ignore.

HIRING & RETAINING TOOLS

Following are 12 core element questions, taken from *First Break All the Rules, What the World's Greatest Managers do Differently* by Marcus Buckingham & Curt Coffman Simplest, to ask your employees to determine the strength of your workplace:

1. Do I know what is expected of me at work?
2. Do I have the materials and equipment I need to do my work right?
3. At work, do I have the opportunity to do what I do best every day?
4. In the past 7 days, have I received recognition for doing good work?
5. Does my supervisor seem to care about me as a person?
6. Is there someone at work who encourages my development?
7. At work, do my opinions seem to count?
8. Does the mission of my company make me feel my job is important?
9. Are my co-workers committed to doing quality work?
10. Do I have a best friend at work?
11. In the last 6 months, has someone talked to me about my progress?
12. This last year, have I had opportunities at work to learn and grow?



BASIC PREMISES

People do not change that much . . .

Do not try to waste time trying to put in what was left out . . .

Try to draw out what was left in . . .

When developing someone, find the right fit, not simply the next rung on the ladder. Value excellence in every role – provide alternative career paths – alternative routes toward growth and prestige . . .





HIRING & RETAINING TOOLS



Generational Shift:

“How the Age Bubble Is Transforming the Workplace and What You Can Do to Prepare”

Managing Generation X: How to Bring Out the Best in Young Talent –

By Bruce Tulgan

The demographics of the workforce are undergoing a dramatic change. Already, 11 percent of the active workforce is over 56 years old, a percentage that will grow steadily as Baby Boomers age. Organizations must prepare now for the steady departure of huge numbers of their most experienced people. On the heels of retiring Boomers, the much less populous Generation X (now ages 25-38) will provide a shrinking pool of prime-age workers. And even with a modest increase in workforce population among Generation Y (now ages 16-24), there will simply not be enough young workers to fill the void that will be left. As a result, most organizations will face a serious shortage of workers. This is especially true of skilled workers; already, shortages in healthcare, government, education, transportation, non-profit sectors, and manufacturing have reached near-crisis levels. And, due to changing world affairs, immigration will not be a viable solution to the staffing shortages to come.

So, what can your organization do to prepare for the generational shift in the workforce?

1. Forestall the retirement of as many older workers as you possibly can. Whenever feasible, support semi-retirement through flexible work arrangements: flexible schedules, telecommuting, and flexible conditions of employment. Build giant reserve armies of retirees. Immediately begin the process of capturing and transferring the knowledge, skill, and wisdom of older workers.
2. Call upon Baby Boomers to resume their youthful role as change leaders. Now is the time to abandon hierarchical norms, sink-or-swim management, and one-size-fits-all career paths.
3. Prepare Gen Xers (the EMERGING WORKFORCE) for supervisory responsibility and leadership. Gen Xers are now entering their prime working years in short supply and full of attitude. Xers want status, authority, and rewards, but often resist traditional management roles. Create new paths to leadership, redesign leadership roles, and develop the new generation for those roles.
4. Accelerate the professional development of Gen Y (the NEW WORKFORCE) employees. Recruit new employees at younger ages, get them up to speed faster, and trust them with important roles involving critical tasks and responsibilities. There is no choice; there simply won't be enough older experienced workers to get all the work done. Teach managers to coach these high-maintenance younger workers every step of the way on every single thing -- from time management to customer service.
5. Be prepared to exert pressure to get more work and better work out of fewer people. Everyone is going to have to work smarter, faster, better, and probably longer and harder too. Highly skilled, hands-on, coaching-style management will still be the key to success.

HIRING & RETAINING TOOLS

❖ Determining Essential Functions ❖

Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. These are particularly important to review before taking an employment action such as recruiting, advertising, hiring, promoting, or firing.

Factors to consider in determining if a function is essential include:

- ❖ *Whether the reason the position exists is to perform that function*
- ❖ *The number of other employees available to perform the function or among whom the performance of the function can be distributed,*
- ❖ *The degree of expertise or skill required to perform the function.*

Setting Wage Rates - once you have an accurate job description, you will have a solid basis for comparing the relative amounts of work required and qualifications needed for different positions. This will allow you to establish fairer wage rates and salaries. Some principles to consider include:

- ❖ *Equal pay for equal work*
- ❖ *Fairness in application of these principles*
- ❖ *Higher pay for work requiring more knowledge, skill or physical exertion*
- ❖ *Reasonable pay, in comparison to pay for similar work in other organizations*
- ❖ *Total earnings reflect, in some way, the employee's contribution to the organization*
- ❖ *Other qualified employees are generally not paid more than a qualified employee in the same position*

One general but fairly effective rule of thumb you can follow when determining rates is to pay the most important non-supervisory job as well as or somewhat better than the job receives elsewhere and do the same for the least important full time job. Rates for all other jobs in between can then be set in a reasonable way.

You can obtain labor market information on wage rates in Montana on the Internet at <http://rad.dli.mt.gov/>, or contact your local Workforce Center.

HIRING & RETAINING TOOLS



An accurate, complete job description is the foundation for hiring the RIGHT person for the RIGHT job the FIRST time

❖ Job Descriptions ❖

An accurate, complete job description is the foundation for luring the right person for the right job the first time. It gives you an awareness of the actual skills, knowledge, and abilities required to successfully perform the job, to enable you to objectively screen applicants. An accurate, complete job description will also provide you legal protection by showing that your hiring decision is based on consistent, objective criteria. You will be able to support why you hire one applicant over another, why you pay one employee more than another, or why you terminate an employee for poor performance.

Job Specifications Define:

- What a person in a specific position does.
- The end results of what that person's tasks and duties should be.
- What needs to be done in the position?
- A job's minimum requirements to avoid bias and target qualified candidates.
- Expectations of each job to better evaluate performance, and give the ability to determine a pay scale, based on other like positions in your community.

Create Job Specifications That Include:

- Existing descriptions of the position.
- Personal observations of how the job is performed.
- Input from people who currently, or used to, perform the job.
- Neutral job titles (e.g., wait staff, not waitress or waiter), prioritized job duties and the percentages of time they take.
- Complete and objective descriptions of duties (e.g., daily journal entry, bank deposits and statement reconciliation).
- Experience, education, skills, knowledge, etc., that the job requires.
- Specific qualifications (e.g., supervisory experience required: must be experienced in Microsoft Excel).
- Minimum, actual requirements (e.g., ability to lift 50 pounds without mechanical assistance - only if there is no accommodation that can be made).
- Realistic requirement of the job's title, salary, and your local labor market.

HIRING & RETAINING TOOLS

❖ Job Descriptions ❖

Applicable Regulations:

- ***Age Discrimination in Employment Act,***
- ***Americans with Disabilities Act,***
- ***Civil Rights Act Title VII,***
- ***Equal Pay Act,***
- ***Pregnancy Discrimination Act,***
- ***Rehabilitation Act of 1973,***
- ***Vietnam Era Veterans Readjustment Act of 1974.***

Detailed, accurate, objective job specifications help you understand each job's true purpose and requirements and the qualifications of the best candidates to fill it. They focus on the job's real needs, reducing the chance of discrimination.

You can collect standardized information about a job description from secondary sources such as the Occupational Information Network (ONET), which is a comprehensive overview of worker characteristics, requirements, and work activities as well as outlook and earnings. ONET is available at:

<http://online.onetcenter.org/>.

- Avoid arbitrary or unnecessary requirements that could appear to discriminate by sex, age, race, religion, disability, etc.
- Review applications and resumes in terms of how well they match the job specifications, and consider all candidates who match job specifications to avoid charges of bias.
- Use job specs as a guide for questions to determine candidates' qualifications during interviews. Once an employee is hired for the job, use the job specifications as a basis for performance appraisals by continuing to update the job specifications to reflect actual requirements.

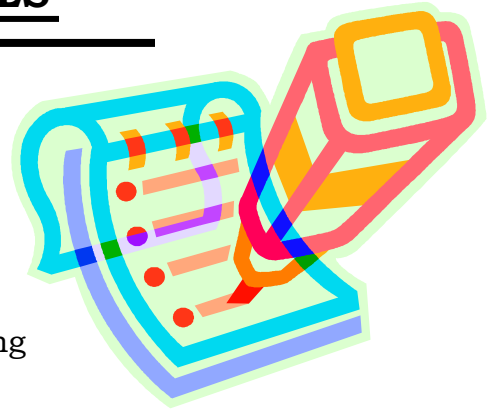


HIRING & RETAINING TOOLS

❖ Job Descriptions ❖

JOB DESCRIPTION FORM

When completing a job description or the accompanying Job Description Form, be sure to include:



- **Job Title** – Be sure it is gender neutral (e.g., wait staff, not waiter or waitress).
- **Responsibilities** – use action verbs and be very specific as to duties (e.g., operate a forklift to move warehouse materials).
- **Experience Required** – They must directly relate to the ability to perform the essential functions of the job.
- **Knowledge Required** – You could require education, licensing, or certifications if it is required of a position. Be careful to delineate between specific abilities and formal training or education (e.g., a sales clerk must have the ability to read and write English, not that they must have taken formal English Language classes).

Be sure to focus on job duties and responsibilities that lead to desired outcomes. Prioritize the skills and experience necessary to perform the job duties, and eliminate any vague or unnecessary ones (e.g., good physical condition cannot be a condition of employment if a physical test is not mandatory for a position).



HIRING & RETAINING TOOLS

❖ Basic Job Description Outline ❖

Job Title:
Department:
Reports To:
Wage:

Work Hours: All hours required to work and overtime requirements.

Summary: Briefly explain the general purpose of the job as well as expected interactions and relationships with other employees, departments, customers, and clients.

Essential Duties and Responsibilities: List major job duties and responsibilities. You can include quality, quantity, and safety factors. (For a free handout on the Americans with Disabilities Act and how this relates to essential functions, contact your local Job Service Workforce Center).

Minor Duties: List duties that are only performed occasionally and that are not critical to the position.

Minimum Qualifications (Knowledge, Skills, & Abilities): List minimum education, experience, certificates, licenses, and registrations required – professional, drivers, chauffeurs, etc. Personality traits – outgoing, self-motivated and special skills needed – equipment, machines, computer skills, etc.

Supervisory Responsibilities: If any.

Physical Demands: List the physical demands that are representative of those that must be met by an employee to successfully perform the essential functions of the job. Consider the frequency or the percentage of time the person would be doing actions such as – sitting, bending, standing, walking, climbing, driving, pushing, pulling, lifting, etc.

Work Environment: Describe characteristics of the environment representative of those an employee would encounter while performing the essential duties of this job – the percentage of time spent indoors or outdoors along with other relevant details like exposure to temperature extremes, detergents, dust, fumes, heights, etc.

Special Requirements: Include any additional requirements such as travel, on-call work, union membership, providing own vehicle, clean driving record, etc.

Appearance or Dress Code: List your established rules (make sure they are non-discriminatory) concerning such things as hairnets, hair length, uniforms, good public contact, professional dress, etc.

Special Equipment Needed: List any requirements such as tools, hard hats, etc.





HIRING & RETAINING TOOLS



❖ Job Applications ❖

Is Your Application Legal?

Think about it! Questions that are not job-related such as where a person was born, marital status, what kind of transportation the person uses, etc., give you absolutely no help in making the best hiring decision. If you ask these types of questions, you are setting yourself up for discrimination claims.

The key to lawful employment inquiries is to ask only about those areas that will provide information about the person's ability to do the job, with reasonable accommodation. Do not assume that applications are legal because you bought them at a reputable store. You are responsible for the legality of your applications and keeping them updated as laws change. There are currently cases pending with the Montana Human Rights Commission concerning discrimination and illegal applications. More and more applicants are asserting their rights...now is a good time to closely scrutinize your application.

You can require additional materials be submitted with your application as appropriate such as: resumes; transcripts, licenses and certificates (or copies); and answers to supplemental questions. Supplemental questions are inexpensive tools employers can use to screen large numbers of applicants quickly and consistently. Answers are screened against suggested responses. Applications without completed supplements can be eliminated. Based on ratings, the applicants can be grouped, for example: best qualified; qualified; and did not meet minimum qualifications. Then, additional tools such as job-related testing (typing, 10-key, written tests, agility, etc.), interviews and reference checks can screen the best qualified.

Develop questions and determine acceptable answers before recruiting that will provide the kind of information you are seeking. Ask questions about specifics - job duties, knowledge, skills and abilities found in your job description. Questions about past experience rather than theoretical questions usually result in more valuable responses. Devise a rating scale, assigning an appropriate weight to each question relative to the importance of the duty being assessed.

Recommendations for writing supplemental questions include the following: limit to 3-5 questions for most jobs; limit responses to no more than 300 words for most questions; let applicants know if their written communication skills will be evaluated; and avoid overly specific, in-house terminology or procedures in suggested responses.

Questions on applications for employment and interview questions should be related to the skills, experience and education important to perform the job.



HIRING & RETAINING TOOLS

❖ Job Application Inquiries ❖

Identification: Can ask name (and if person has worked under other names), address, phone number, Social Security Number, and type of work desired. Cannot ask questions indicating marital/family status or plans. Cannot ask for a photograph.

Age: Cannot ask questions indicating age, either directly or indirectly. Can ask if person is the minimum age legally required to perform the job.

Citizenship: Ask only if US Citizenship is a bona fide requirement of the position. Can ask if person is eligible to work in the United States.

National Origin: Cannot ask any nationality, ancestry or native language questions. Can ask about foreign languages **if** this is a requirement of the job.

Group Memberships: Cannot ask questions regarding social or political groups. Can ask about membership in professional, trade, or other job-related organizations.

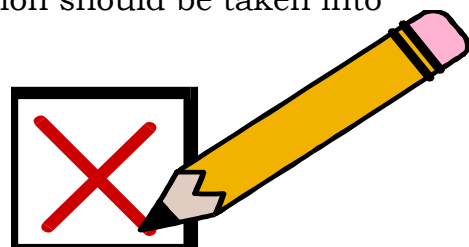
Religion: Cannot ask religious affiliations or religious holidays observed.

Race: Cannot ask questions about race or color (including hair and eye color).

Sex: Cannot ask anything about gender or gender preference.

Disabilities: Can ask questions (Not phrased in terms of disability) about the ability to perform job-related functions. This includes asking applicant to describe or demonstrate, with or without reasonable accommodation, how he/she will perform job-related functions.

Arrests/Convictions: Cannot ask about arrests but can ask questions about felony and misdemeanor convictions, provided they relate to the job being applied for and the employer makes clear that a conviction is not an automatic disqualifier. (Factors such as age, time since offense, seriousness nature of violation, and rehabilitation should be taken into account.



HIRING & RETAINING TOOLS

❖ Job Application Inquiries ❖

Military Service: Only ask about military experience as it relates to the job applied for. Cannot ask about type of discharge, military reserve duty obligations, or disciplinary record while in service

Physical Requirements: Cannot require applicants to take a medical or physical exam **before** hiring. Can require job-related physical agility test prior to hiring if all in that job classification are required to submit to the same test.

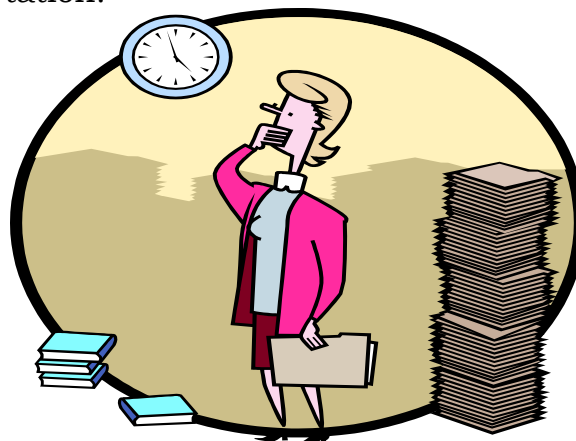
Job Experience: Can ask questions about former employers including dates, jobs held, duties, skills, promotions, and reasons for leaving. Should include volunteer experience.

Education and Training: Can ask questions about education and training, degrees, and professional licenses only as they relate to the requirements of the job. Should not ask dates of attendance or graduation.

References: Can ask for job or character references that are not discriminatory. Should ask for permission to contact references. Your best sources of references are people who have actually supervised the applicant's work.

Licenses, Equipment, and Tools: Ask about only as relative to the job applied for.

Lie Detector/Drug Test: Cannot require as a condition for reemployment any person to take a mechanical lie detector test. Cannot require as a condition for employment and person to submit to a blood or urine test – except for employment in hazardous work environments; jobs primarily concerning security, public safety, of fiduciary responsibility; or jobs involving commercial transportation.



HIRING & RETAINING TOOLS

Please See Copy
In The
Form Section
Pages 90 - 91

❖ Sample Job Application ❖

PERSONAL DATA

Name _____ Social Security # _____

Present Address _____ City _____ State/Zip _____

Phone _____ Message Phone _____

Driver's License: Operator _____ CDL _____

EDUCATION

CIRCLE HIGHEST SCHOOL YEAR COMPLETED

8 9 10 11 12 13 14 15 16 17 18 19

AA BA MA Ph.D.

Name of School Beyond High School _____

Training Length _____ Date Completed _____

Major _____ Vocational Training _____

Are you a Veteran of Military Service () Yes () No

WORK EXPERIENCE

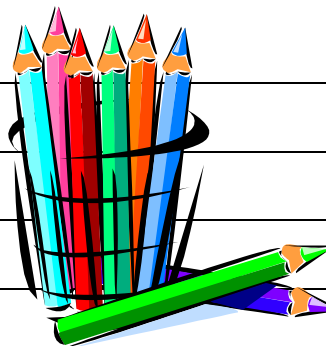
Company Name _____ Address _____

Job Description (duties, skills, equipment used) _____

Dates of Employment: Start ____/____/____ End ____/____/____

Phone # _____ Who To Contact _____

Reason for Leaving _____



HIRING & RETAINING TOOLS

Please See Copy
In The
Form Section
Page 90

❖ Sample Job Application ❖

WORK EXPERIENCE

Company Name _____ Address _____

Job Description (duties, skills, equipment used) _____

Dates of Employment: Start ____/____/____ End ____/____/____

Phone # _____ Who To Contact _____

Reason for Leaving _____

ADDITIONAL INFORMATION

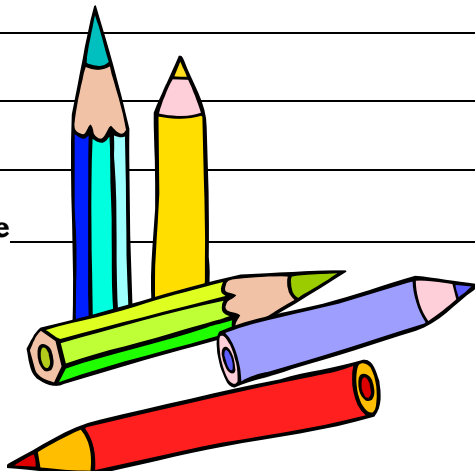
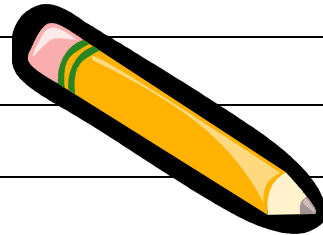
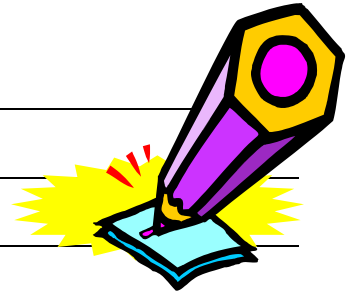
Volunteer Work _____

Summary of Work Experience of Additional Information (Special Skills, Licenses, etc.) _____

REFERENCES (names of people not related to you)

Name _____ Address _____ Phone # _____

Signature _____ Date _____



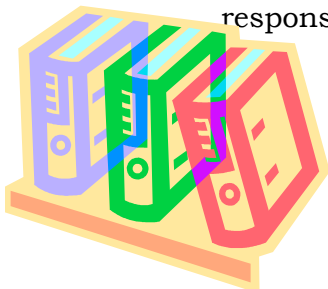
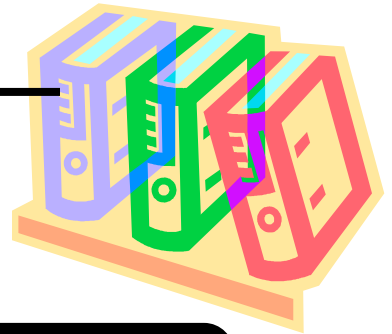
HIRING & RETAINING TOOLS

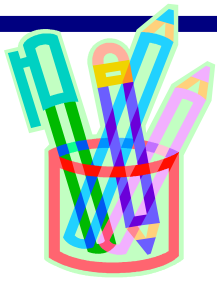
❖ Discrimination ❖

Make sure your Job Description does not discriminate based on:

Race - National Origin – Creed – Religion - Physical or Mental Disability - Sex Marital Status – Age - Political Ideas (State, County, or City Government)

- When writing your job description, avoid requirements that are not job related or that tend to eliminate a group of people. Also avoid words like "recent graduate" or "mature" as these can be interpreted as discriminatory.
- Discrimination in employment is against the law based on race, color, national origin, sex, age, religion, creed, physical or mental disability, marital status, and political ideas (government). Note that the Montana discrimination laws protect people of all ages as well as marital status. Marital status includes whether a person is married, divorced, separated or single and the identity and occupation of a person's spouse.
- ADA: The Americans With Disabilities Act of 1990 (ADA), which makes it unlawful to discriminate in employment against a qualified individual with a disability, does not require employers to have a written job description. However, having one that focuses on the essential and non-essential functions of the job without specifically stating how these functions must be performed will help you stay out of trouble. It will also allow applicants to screen themselves for qualifications, essential functions and physical demands.
- Share your written job description with applicants. Then, ask them if they are able to perform the essential functions of the job with or without reasonable accommodation. A good place to ask this question is on your job application that applicants sign and date.
- Disclaimers: Consider using a disclaimer that states that job descriptions are not meant to be all-inclusive and that the job itself is subject to change. Some examples are: "This job description reflects management's assignment of essential functions; it does not restrict the tasks that may be assigned." and "Nothing in this job description restricts management's right to assign or reassign duties and responsibilities at any time."





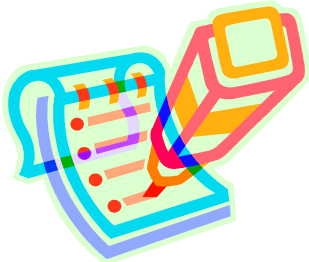
HIRING & RETAINING TOOLS

Personal Interviews
Help Identify &
Attract Top
Job Candidates

❖ Job Interviews ❖

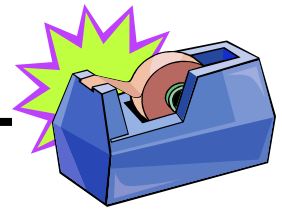
GUIDELINES FOR INTERVIEWING

- Determine what skills, experience and aptitude are necessary to perform the job well by referring to the job description (prepared prior to recruiting and interviewing).
- Identify the most important qualifications from 6-10 major tasks of the position and determine how you will measure those qualifications through the interview process.
- Develop 10-15 job-related questions to ask during the interview. Avoid any questions related to: race, creed, national origin, color, sex, religion, physical or mental handicap, marital status, age, or political ideas (state, county or city government).
- Transfer these questions to an interview form. This provides a means of consistently asking the same questions of all applicants and provides space for rating candidates and taking notes.
- Try to make the applicant comfortable in order to elicit more and better information.
- Start with easy, non-threatening questions to put the person at ease.
- Use open-ended questions that allow more thought and input from the applicant. Allow silence in order for the candidate to formulate an answer. Avoid prompting the applicant to the correct answer.
- Subtly control the direction of the interview by using mirroring and rephrasing techniques. Listen at least 50% of the time—and look for discrepancies between words and behaviors.
- Consider having more than one-person interview as this increases the chances for hiring the right person.
- Check references and verify past employment dates of applicants.





HIRING & RETAINING TOOLS



❖ Job Interviews ❖

CANDIDATES SHOULD

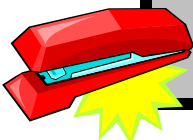
- Add relevant details to resume information.
- Reveal how they approach and view jobs and tasks.
- Learn about desirable aspects of the job and organization.

INTERVIEWERS SHOULD

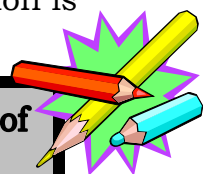
- Plan interviews that seek and provide relevant, legal information
- Plan questions and topics to make the interview focused and useful.
- Know what you'll ask and why each question is relevant to the job and the candidate's qualifications.
- Focus completely on questions and topics that relate to the candidate's ability to do the job.
- Keep any introductory small talk brief and general (e.g., the weather).
- Avoid questions that may be illegal.
- Don't ask questions based on the candidate's age, sex, race, religion, disability, etc-- don't ask personal questions (e.g., about health, age, lifestyle, marriage or pregnancy etc.
- Avoid statements that may imply promises of employment or career development.
- Don't use the word "permanent" or similar terms to refer to jobs.

CONDUCT INTERVIEWS WITH AN OPEN MIND

- Judge each candidate objectively in terms of qualifications that match your job specifications.
- Don't judge by rapport or common interests rather than qualifications.
- Avoid stereotypes or assumptions based on the group (e.g., male or female, age, race, etc), to which the individual belongs.
- Judge each candidate solely on his or her merits.
- If you're unsure whether a question, topic, or line of discussion is legal or appropriate, don't pursue it.



Personal interviews are an important and valuable part of filling jobs with the best people. You should plan and conduct interviews carefully.



HIRING & RETAINING TOOLS

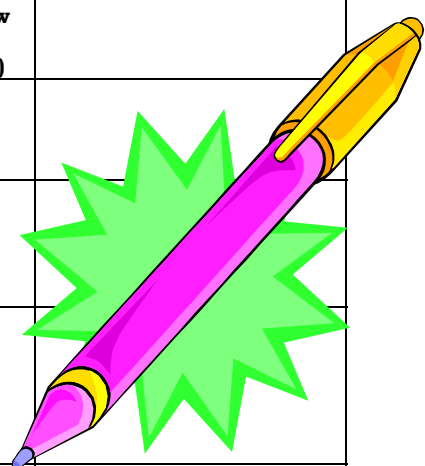
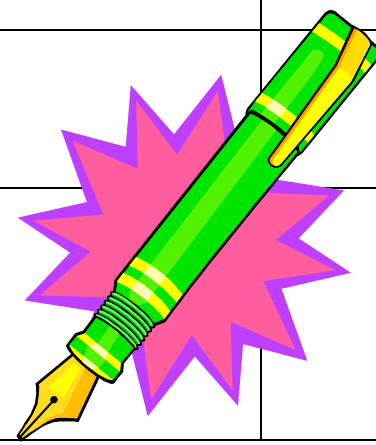


Please See Copy
In The
Form Section
Page 92

❖ Sample Interview Form ❖

Interview Rating Form

Position _____ name of candidate _____
Date _____ name of interviewer _____
Other interviewers _____

<u>Skill/Question</u>	<u>Notes</u>	<u>Rating</u> 1-10 (1 low 10 high)	<u>Comments/other information</u>
Customer Service Skills/ Tell me about the most difficult customer encounter you've experienced. How did you handle it?			
Interpersonal Skills/ Tell me about a situation in which you had to be open to a new idea or change in procedure that you did not think would work. How did you handle it?			
Problem Solving Skill/ Tell me about a time when you were able to identify a problem and resolve it before it became a major issue.			
Oral communication Skills/ Tell me about a time when you had to give instructions to another person who was having difficulty understanding. What did you do?			
Technical Skills/ What are the two most valuable skills you learned in the last year and how did you apply them?			
Teamwork Skills/ It can sometimes be difficult to fulfill individual responsibilities and be part of a team. Give me an example of a time when you had to face this conflict and reached a satisfactory compromise.			
Summary rating			

Recommendation: ____ hire ____ promotion ____ second interview ____ do not hire/promote
Reason for recommendation:

HIRING & RETAINING TOOLS



❖Checking References ❖

- **Why should I spend my time checking job references?** Because the best predictor of success on the job is past performance.
- **Are most employers reluctant to give references?** They should not be as long as they provide relevant, factual information. Giving and getting job references is a legitimate business activity in which both parties have an interest and/or liability.
- **Some applicants just look suspicious. Is it okay to check references on just those individuals?** Be consistent and fair in the treatment of all applicants to avoid discrimination claims. If you check references on any applicants, check references on all applicants.
- **Is it okay to check references without telling an applicant that you are?** Some applicants may not even apply if you let them know through job announcements or advertising that you will be checking references. You should get permission from applicants before contacting previous or current employers by asking for a written release on your job application.
- **Should I ask for personal references?** Asking for personal references may be suspect for discrimination as applicants often list religious contacts. Besides, savvy applicants only list personal references that will give positive responses and personal references will probably not have relevant job performance information.
- **When other employers call me for references, I am not sure with whom I am talking or what to say?** You can ask the person calling what the questions will be and tell the person you will pull the personnel file and call back. This gives you time to prepare responses and allows you to verify who is calling through a callback procedure.
- **Which questions should I answer?** Answer only those questions that are objective and relevant. You have no obligation to answer improper questions. Do not volunteer information. Ask why the person needs certain information if you do not know. Answer questions evenly and unemotionally. Ask for more specifics if you do not understand a question.



HIRING & RETAINING TOOLS



❖Checking References ❖

Background Investigations

Be sure to inform applicants if you will be conducting a background investigation and get expert assistance. Advertising background checks in your job announcement may prevent questionable applicants from even applying. Make sure these investigations are carefully planned, justified, and executed.

- If someone was only arrested and not convicted, the law does not view this as adequate grounds for denying employment
- Even a conviction is not always grounds for denying employment. It could be challenged based on how long ago it happened, how serious the infraction was or how relevant it is to the job for which the person is applying.
- You could also be challenged if you subject only certain applicants to background checks.




Tips on Providing References

- Have a policy specifying who in your business can give references, as you may be liable for references given out by other employees.
- Ask the person calling what the questions will be and tell the person you will pull the personnel file and call back. This allows time to prepare how will answer questions and also gives you an opportunity to verify who the caller is through call back procedure.
- Communicate facts (supported by documentation) not opinions. You can site specific examples that are documented. Avoid subjective and broad statements.
- Be concerned with what happened while the person was employed by you – not what the person did before you hired.
- Be sure you have the facts – not suspicions – before giving out negative or sensitive information.
- Give information in good faith – true – factual – objective – and without malice. Maintain records in personnel files documenting that contacted you, what questions were asked and how you answered them.

Please See Copy
In The
Form Section

HIRING & RETAINING TOOLS

❖ Sample Telephone Reference Check Form ❖

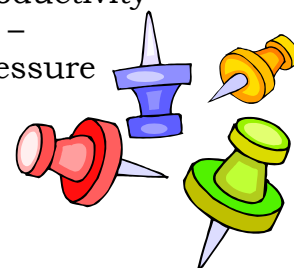


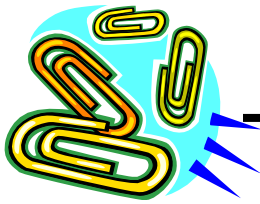
Name of Applicant	Person Contacted
Position Applying For	Position
Date of Reference Check	Employer
Person Conducting Check	City/State
Telephone Number	Telephone Number

Begin by stating your name, position, and employer. "I would like to verify some information given to us by (applicant name) who is applying for a position with our organization. I encourage you to refer to (applicant's) written personnel record to find the information I will request. Would it be convenient for me to call you again in a few minutes, or would you like to call me back when you are prepared? If you want to call me, when may I expect your call?"



- What were the dates of (applicant's) employment with you?
- What position(s) did she/he hold while working for you? For each position what was the nature of the work?
- Based on performance evaluations and other records in (applicant's) personnel file, could you please provide me with facts on the following areas: attendance – quality of work/productivity – ability to take on responsibility and work independently – consistency in meeting deadlines and working under pressure
- Is there anything else I should know?





HIRING & RETAINING TOOLS

❖ New Employee Orientation Checklist ❖

Employee Name: _____ Date of Hire: _____

Topics to Discuss:

____ Salary

____ Employee Benefits:

Vacation: _____

Sick Leave: _____

Holidays: _____

Group Health and Life Insurance _____

Profit Sharing Plan _____

401(k) Plan _____

____ Work Schedule, Time Sheets, Pay Schedule

____ Workplace Safety

____ Procedures for getting office supplies and other purchases

____ Telephone, fax, computer logon, network, etc.

____ Parking, restrooms, etc.

Documents for Employee:

____ Employee Welcome Letter

____ Employee Handbook

____ Company Safety Practices

____ List of Company Safety Practices

____ "No Sexual Harassment Allowed" Handout

____ "Family & Medical Leave Act (FMLA)" Handout

Forms to Read, Sign and Return:

____ Employee Payroll Reporting Form

____ Employment Eligibility Verification (Form I-9)

____ Employee Withholding Allowance Certificate (Form W-4)

____ Workplace Safety Policy

____ Employee Data Sheet (emergency contact information)

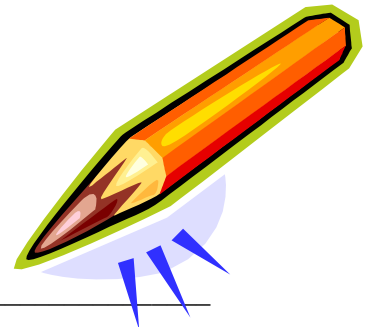
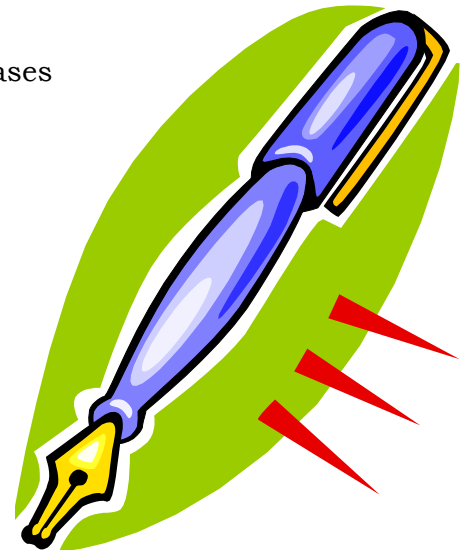
____ Montana New Hire Reporting Program

Orientation Information Completed:

Employee: _____ Date: _____

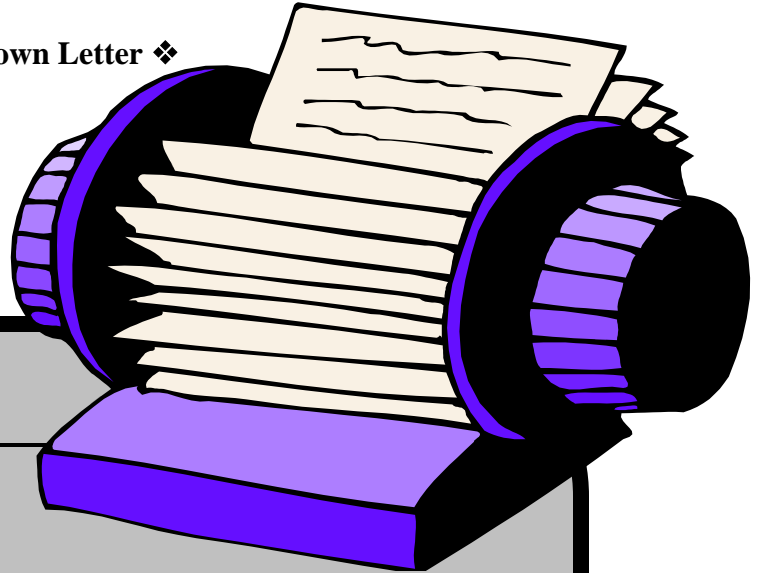
Supervisor: _____ Date: _____

Please See Copy
In The
Form Section
Page 94



HIRING & RETAINING TOOLS

❖ Sample Turndown Letter ❖



Dear: _____

Thank you for the interest you have shown in considering a (type of position) position with COMPANY NAME.

Your qualifications have been reviewed by members of our management team and while your background is an interesting one, we have received a number of resumes from people whose qualifications more closely match the needs of our firm.

We would like to thank you once again for your interest in COMPANY NAME, and wish you continued success on the pursuit of your career objectives.

Very truly yours,

Signature: _____



HIRING & RETAINING TOOLS



❖ Basic Employer Requirements ❖

The following is a list of basic employer requirements. There may be other requirements based upon the type of business you are operating:

1. Federal Identification Number - Social Security and Federal Income Tax Withholding
 - **Required if you have employees.**
 - **Forms are available at the Federal Building or call 1-800-829-1040 or visit the I.R.S. Web Site; www.irs.gov.**
2. Unemployment Insurance and State Income Tax Withholdings
 - **Call: 1-800-550-1513 for a complete information packet.**
 - **Complete forms and submit UVR-I - this registers you for Unemployment Insurance and State Income Tax Withholdings.**
 - **Request a posting from Unemployment Insurance indicating your employees are covered (required).**
3. Workers Compensation Insurance
 - **You MUST have coverage on all employees and have coverage PRIOR to employees starting work.**
 - **Contact a private insurer or the Montana State Fund, 1-800-332-6102 or <http://montanastatefund.com/>.**
 - **Request a posting from Workers Compensation indicating your employees are covered (required).**
4. Required Employment Posters
 - **Contact your local Job Service Workforce Center for FREE posters**

If you want to register your business name, contact the Secretary of State at 406-444-2034, or on-line at www.state.mt.us/sos/index.htm.

For information on Occupational and/or Professional Licensing requirements, call 406-841-2300.



The following forms can be obtained by calling your local Job Service Workforce Center:

W-4. Have employee(s) complete W-4 immediately upon hire. This will be used to determine the amount of Federal and State Income Tax withheld per paycheck.

1-9 - Proof of Authorization to work in the United States. Should be completed within 3 days of employee start date. Refer to the 1-9 form for approved documents for verification.

Montana New Hire Reporting Program. Must be submitted within 20 days of employee start/rehire date. Allows employers to assist in the state's efforts to locate non-custodial parents. Mail copy of W-4 to: Montana New Hire Reporting Program (MNHRP), Box 8013, Helena, MT 59607-8013 or fax form to 1-888-272-1990.



HIRING & RETAINING TOOLS

❖Employee Handbooks ❖

Should I or Shouldn't I?

Employers often wonder whether they should have an employee handbook or not. Putting together a useful handbook can be a lot of work. However, keep in mind that there are a number of computer software programs available to ease the burden and there are consultants for hire to write your handbook. You can contact your local **One-stop Workforce Center** to schedule a time to create your own personalized handbook with software available to you.



One major area of concern is legal issues. Will you be able to keep your handbook updated? Will you and your supervisory staff consistently follow your own policies? Consistency in following your own policies is very important concerning discrimination and wrongful discharge laws. If you don't follow your own written policies, you are probably better off not having an employee handbook. However, keep in mind that even without a handbook, your employees can still file wrongful discharge and/or human rights complaints if they perceive they are being treated unfairly and inconsistently.

If you decide to write an employee handbook, seek legal advice before finalizing your handbook. You don't want a document that will tie your hands or weaken a court case because of wording. Also be careful of the tone your words create. Reading a handbook can instill a sense of pride, trust and fairness or it can instill a sense of suspicion, and threats. Employees who feel they are treated fairly are more likely to be motivated and loyal. A threatening tone can "undo" any good you are trying to achieve.

Consider having a conspicuous disclaimer that states your employee handbook is not intended as a contract nor does it encompass all company policies and procedures and stating that you reserve the right to make changes. Make sure the language used in your disclaimer is easily understood by employees, and that it is prominently displayed in your handbook. It's also important to get a signed, dated acknowledgement of receipt of handbook from each employee for your personnel files. This statement should say that they have received, read and understand the information in the employee handbook.

Following is an example of an employee handbook:



HIRING & RETAINING TOOLS

❖ Sample Outline of Employee Handbooks ❖



I. Introduction and Employer Expectations

Instill a sense of pride, trust and fairness by using language that creates a positive image for your business. Examples include the following: a letter from the CEO, the company history, organizational charts, welcoming comments, mission statements, philosophies, top priorities, statements as to why employees are important and how they make a difference, etc.

II. WORKPLACE POLICIES

Policy Statements such as those concerning Equal Employment Opportunity (EEO), Family Medical Leave Act (FMLA), AIDS, Sexual Harassment, American with Disabilities Act (ADA), Affirmative Action, etc.

B. Work Rule Policies regarding areas such as—dress codes, attendance, scheduling, travel, smoking, parking, tardiness, substance abuse, telephone usage, uniforms, name tags, vehicle usage, safety, accident reporting, confidentiality, outside employment, use of business equipment, security/loss prevention, housekeeping requirements for work areas, food/drink in work areas, etc.

III. EMPLOYER POLICIES

A. Employee Categories—definitions of various categories (i.e., temporary, part time, full time, salaried, exempt, non-exempt, etc. and your requirements such as probationary periods, number of hours worked to qualify, etc).

B. Hours Worked—define work week as well as policies concerning shift work, break and meal periods, flexible working hours, overtime, pay periods, scheduling, travel, etc.

C. Hiring, Promotion and Layoff Policies

D. Employee Conduct Standards

E. Personnel Records—describe what they contain, where kept, if open to the employee and under what conditions.

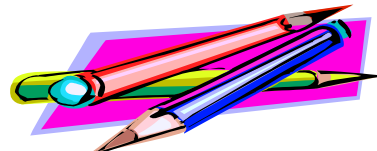
F. Performance Evaluations—how performance will be appraised, how frequently and by whom.

G. Training Policies and Procedures

H. Drug Testing Procedures (if allowed by law)

I. Discipline Procedures—define various forms of discipline, including verbal warning, written warning, suspension, disciplinary probation, demotion and termination. Be cautious of listing possible offenses and expected punishment as they may lock you into a particular response.

J. Grievance Procedures—if an employer maintains a written internal procedure, the employee must first exhaust those procedures prior to filing an action under the Wrongful Discharge Act. (The employer must provide the discharged employee a copy of those procedures within 7 days of the date of discharge). An established grievance procedure can be an effective tool for minimizing claims of wrongful discharge.





HIRING & RETAINING TOOLS

❖ Sample Outline of Employee Handbook ❖

IV. EMPLOYEE BENEFITS

Describe your benefits as well as any required employee contributions and/or eligibility requirements. Seek expert advice as these can afford important contractual benefits and are often the subject of dispute and litigation.

Have a conspicuous disclaimer in easily understood language that states that your employee handbook is not intended to encompass all company policies and procedures and stating that you reserve the sole discretion to change, cancel, amend or make exceptions.

Obtain a signed, dated acknowledgement of receipt of your employee handbook from each employee for your personnel files as well as sign-offs on amendments and updates. These statements should say that they have received, read and understand the information.

Two important cautions when developing company policies:

1. Be sure to consult applicable bargaining agreements.
2. Be sure your policies do not violate any existing employment laws.



Seek legal advice before finalizing your handbook. You don't want a document that will tie your hands or weaken a court case because of wording.

V. DISCLAIMER & ACKNOWLEDGEMENT

I have received and understand the company's Employee Policy Handbook in its entirety and acknowledge its contents. I understand if I have any questions about the policies and procedures, I should ask my manager for clarification. I further understand that this manual is not an employment contract, and that the policies stated are guidelines for employees. I also acknowledge that the handbook will need periodic revision and that my employer retains the right to amend the handbook. I agree to follow the guidelines set forth in the manual as a condition of my continued employment and understand that my failure to do so may result in disciplinary action including termination of my employment.

Signature

Date



We want every employee to be fully aware of the various policies and benefits available at _____. Therefore, please sign below to tell us you have received and understand this handbook.

Signature

Date

HIRING & RETAINING TOOLS

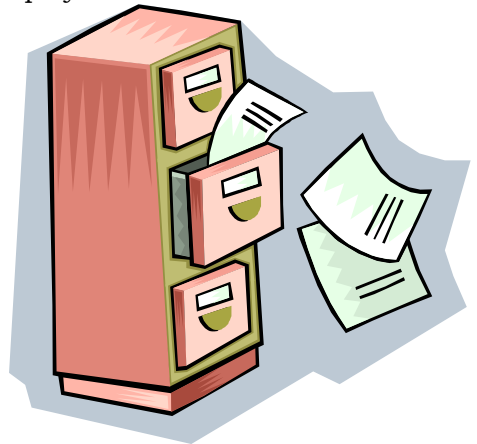
❖ Personnel Files ❖

No federal or state law requires an employer to maintain personnel records as such; however various federal and state laws mandate that certain records be kept.

For organizational purposes as well as legal protection, you should keep separate, up-to-date personnel files. The chances of becoming involved in legal actions related to hiring, supervision or firing decrease when personnel records are maintained correctly.

What to Keep in the Basic Personnel File

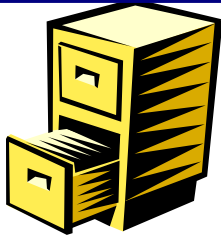
1. Employment related records, such as
 - Job descriptions
 - Employment application and resume
 - Test documents used by an employer to make employment decisions
 - Reference checks
 - College transcripts
 - Signed acknowledgements
2. Records related to:
 - Hiring
 - Promotion or demotion
 - Transfer or Layoff
 - Rates of pay and other forms of compensation
 - General training records
3. Records related to other employment practices:
 - Letters of recognition
 - Disciplinary notices or documents
 - Performance evaluations
 - Exit interviews
 - Termination records



The following records should be maintained in separate, locked files:

Medical and Insurance Records - The Americans with Disabilities Act (ADA) requires employers to keep all medical records separate. Medical records include physical examinations, medical leaves, workers' compensation claims, and drug and alcohol testing.

Equal Employment Opportunity-Montana Human Rights Laws - In order to minimize claims of discrimination, it is important to keep source documents that identify protected classes in a separate file. Protected classes include race, national origin, creed, sex, physical or mental disability, marital status, age and political ideas (state, county, or city government).



HIRING & RETAINING TOOLS



❖ Personnel Files ❖

Immigration (1-9) Forms - It is recommended that these forms be maintained chronologically by year in a separate file as this reduces the opportunity for an auditor to pursue and investigate unrelated information.

Safety Training Records - OSHA may audit a company's safety training records; again, keeping this information in a separate file will limit the auditor from investigating other information in the personnel file.

Miscellaneous - Documents related to internal/external investigations and litigation should be maintained separately. Also file child support/garnishment documents and veteran status records separately.

Who Should Have Access to Each Type of File?

There is no law in Montana that requires employers to allow employees access to their personnel files; however, collective bargaining agreements and individual personnel policies may provide for employee access. Create policies that identify who has access to personnel records and for what reasons. Consider the employee, human resources, supervisory, management, and regulatory agencies. Always balance freedom of information with the right to privacy laws. Keep personnel records in locked cabinets.

If you don't allow employees access to their records, you may want to consider why you don't allow it. Is it because your records are poorly maintained? Are there hidden secrets or illegal information in the file? Do you trust your employees? Do your employees trust you? Ultimately, if legal problems develop, an employee will be able to see his personnel file because it is discoverable during litigation between employee (usually ex-employee) and employer.

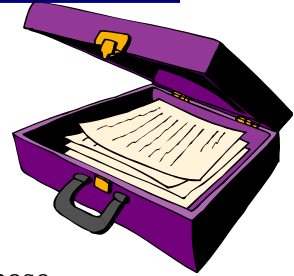


**Remember...in the legal process...if it is not documented,
it did not happen...which can also mean...it happened
exactly as documented
by the employee if you have no records....**



The U.S. Commerce Department recommends the Code of Fair Information Practices. The main provisions of the code state that information in employee personnel files should be limited to only necessary information, access will be controlled, employees will have access to their own records, and procedures are in place for correction and completion of the data. Usually, you don't have to allow employees to see sensitive items such as information assembled for a criminal investigation or other information that might violate the privacy of other people.

HIRING & RETAINING TOOLS



❖ Record Retention ❖

In many cases, several laws require a particular record must be maintained. In those cases, the law with the longest record-keeping requirement is listed:

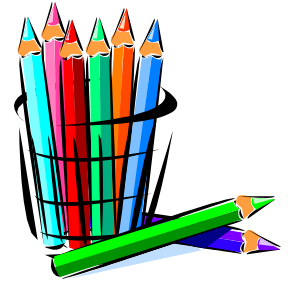
Glossary of Acronyms

American with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), Department of Transportation (DOT), Equal Pay Act (EPA), Employee Retirement Security Act (ERISA), Federal Income Tax (FIT), Federal Insurance Contributions Act (FICA), Fair Labor Standards Act (FLSA), Family Medical Leave Act (FMLA), Federal Unemployment Tax Act (FUTA), Occupational Safety and Health Act (OSHA), and Immigration Reform & Control Act (IRCA) Administrative Rules of Montana (ARM)

- Job advertisements, internal job postings, and offer and hiring records – **2 years**: ADEA, FLSA, Civil Rights Act, Veterans Act, ADA, ARM
- Biographical data – name, address, birth date, sex, etc. – 3 years: FLSA
- Basic employment and earnings records – 2 years: FLSA, EPA, ARM
- Payroll records and time cards – 3 years: EPA, FLSA
- Employment Contracts – 3 years: EPA, FLSA
- Medical Records – 1 year (unless subject to FMLA): ADA, ADEA, Civil Rights Act
- Family Medical Leave Act Records – 3 years: FMLA
- I-9 Forms – 3 years or one year after termination: IRCA
- Government Contractors – 3 years from completion date: Service Contract Act, Davis-Bacon Act, Public Contracts Act
- Occupational Injury and Illness Records – 5 years: OSHA
- Employee exposure to toxic substances – 30 years after termination: OSHA
- Summary Plans and Reports on Benefit Plans – 6 years: ERISA
- Promotions, demotions, layoffs, and transfers – **2 years**: ADA, ADEA, Civil Rights Act, ARM
- Tax Records and Compensation Records – 4 years: FICA, FUTA, FIT
- Government Contractors – 3 years from date of contract completion: Service Contract Act, Davis-Bacon Act, and Public Contracts Act
- Sponsors of programs, positive drug test records (drivers) – 5 years: Apprenticeship Act, DOT Regulations

* items highlighted in red indicates updated information (4/04)

HIRING & RETAINING TOOLS



❖ Performance Evaluations ❖

An organization's greatest asset is its people. The success of an organization depends upon the contributions of its employees. Employees must know what's expected of them and how they are measuring up to those expectations in order to make effective contributions. They need to know what they can do to improve performance in their present jobs and to prepare them for more responsibility.

Are employee performance evaluations worthwhile? Done correctly they can empower your people to effectively contribute to the success of your organization, and they can help you stay out of legal trouble. However, done incorrectly, they can spell disaster. Positive results include the following:



- **Improved Employee Performance**
 - **Improved Communications**
- **Protection from Wrongful Discharge Suits.**

The basis for effective performance evaluations is good communication. This begins with a good job description for each employee. From most job descriptions you can extract 6-8 major responsibilities and further break these down into important objectives for success. If possible, limit the objectives to concrete, measurable areas of performance.

If you must consider subjective standards, consider how they relate to the job. Is the weight you're giving these factors proportionate to their impact on performance? Is there a more objective way to measure performance? If you're going to make subjective judgments on an employee, take the time to list a few concrete examples of how you expect him or her to be "more aggressive" or to show "better leadership qualities." If you can't provide examples, perhaps you shouldn't be making these judgments. Keep in mind that these are the kinds of questions courts ask in discrimination suits involving subjective evaluations.



Focus on the Following

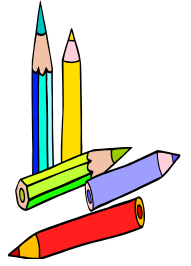
- **How the employee is doing the job**
 - **How the employee can better do the job; and**
- **How the employee can work toward realizing long-term goals.**

HIRING & RETAINING TOOLS

❖ Performance Evaluations ❖

It's a good idea to have both the supervisor and the employee rate the importance of each category on the evaluation. Together they can discuss their ratings to establish what skills and abilities are most important. When possible allow employees to contribute to setting the performance standards they will be asked to meet. Their participation encourages cooperation, understanding and motivation. Consider and include such areas as:

- **QUALITY OF WORK:** neatness, accuracy, organization and thoroughness.
- **QUANTITY OF WORK:** numbers and quantity standards set for the job and the ability to meet deadlines.
- **WORK HABITS:** time management, dependability, attendance, punctuality, safe working habits and initiative.



Ratings can be as simple as outstanding, satisfactory, and needs improvement OR exceeds expectations, meets expectations and unacceptable.

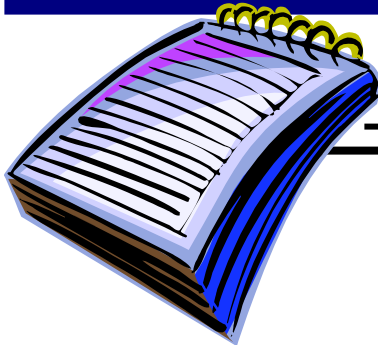
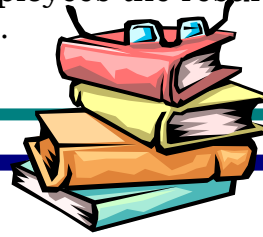
Involvement of all staff in performance evaluations is another alternative. These types of evaluations gather feedback from all levels (superiors, peers and subordinates) and can provide information to identify training needs, teamwork strengths and weaknesses, and other areas of concern that may have gone unnoticed. It can also instill a sense of responsibility in employees to cooperate with each other no matter what their status is in the organization.

Some guidelines to adhere to with employees rating superiors are the following:

- Must be anonymous
- Should be done at a time other than around the employee's evaluation date criteria must reflect the factors employees have knowledge of and are capable of rating, and
- Employees should be asked only to rate individuals with whom they have frequent and significant contact.



It's also important to communicate with employees the results or they will most likely be viewed as a waste of time.



HIRING & RETAINING TOOLS

❖ Performance Evaluations ❖

Often, promotions and salary increases are tied to the results of evaluations. Many experts advise that a separate meeting be held for this purpose so the evaluation can concentrate on the employee's development without getting involved in this emotional aspect at the same time. Salary increases or bonuses should not be given regardless of an employee's performance but rather should be given as recognition of how well employees have done their jobs.

Training

Training should be given to all personnel involved in giving evaluations. Many times, supervisors have come up through the ranks and their backgrounds do not correspond with the interviewing and documentation skills needed to give fair and consistent evaluations.

It's important to communicate, observe and collect information throughout the appraisal period on all employees, which reflects the good, the bad and the ugly. Create file folders for each of your employees. Insert copies of monthly status reports or letters of commendation. Make notes on calendars or notebooks. Send short e-mail messages or write a few words on copies of their work such as excellent, needs more details, sloppy, etc. You can then put copies of these in your appraisal folders to serve as ticklers at evaluation time. Remember feedback is most effective when it's immediate. However, you must keep track of the entire appraisal period so you don't base ratings on only the most recent events.

Be able to give objective reasons for the ratings on your evaluations. To have meaning, your employees must believe that their supervisor has an accurate understanding of what they do on the job and the quality of work that is done. Documentation should be as specific as possible including date, time, place and who was involved.

A negative performance review should never come as a surprise to an employee. Goals and objectives should be given and reviewed at the beginning



of the evaluation period and any problems addressed or praise given as they occur. The actual performance evaluation should be a time to review, reflect and set new goals.



HIRING & RETAINING TOOLS

❖ Performance Evaluations ❖

A common pitfall of supervisors is to give an employee a better evaluation than deserved hoping to motivate an employee. However, a sugarcoated evaluation is worse than no appraisal at all! It gives an employee a false sense of security and provides the employee with documented proof that you are satisfied with his performance, which he can use in a wrongful discharge claim.

All areas of deficiency must be noted in a performance evaluation. Even if the problem areas are minor, the appraisal should include a section concerning those areas that the employee should focus on to improve job performance.

Plan and prepare for performance evaluations. Make sure employees understand and sign a copy of your evaluation criteria at the beginning of each appraisal period. Then, give employees a few days notice to review the goals and objectives they were to achieve, allowing them to explain why they have been successful or not and allowing them to highlight other achievements. Conduct the actual performance evaluation in private and allow sufficient uninterrupted time. Listen openly and seriously consider their suggestions and ideas. Follow an outline of topics you want to discuss and have all pertinent documentation ready. Monitor your emotions and body language. Be prepared to discuss what future opportunities the organization has for the employee. Don't neglect to make up a plan for improvement and a contract for new career objectives or goals along with details of how this will be accomplished.

Emphasize behavior, not attitude. Attitude is too abstract a concept for many employees. Behavior (really the result of attitude) is something concrete that can be understood.

Give positive feedback often and soon after satisfactory performances. Don't worry about over praising an employee as long as the praise is sincere. Don't assume that your independent, motivated workers don't want praise or acknowledgement of a job well done and remember praise need not be elaborate. Your appreciation of their work can go a long way toward inspiring loyalty and motivation. However, some employees do need more praise than others. Your extra efforts in acknowledging their endeavors and successes can help them build up enough self-confidence to take further risks.





HIRING & RETAINING TOOLS



❖ Performance Evaluations ❖

Be sure to conduct the performance evaluation within the time period you tell employees you will do so. Failure to do this indicates that you do not value them as a priority and may also have an adverse legal impact should a person file a wrongful discharge suit later on.

When problems occur, the supervisor should explain what the problem is, why it's a problem and discuss what can be done to correct the problem as well as possible consequences. Ask what the employee sees as the solution. And be sure to set definite time frames for employee's improvement and any agreements you make to provide training or assistance.

Effective performance evaluations can empower your people to effectively contribute to the success of your organization, and they can help you stay out of legal trouble.



Extract important objectives from the major responsibilities of your employees' job descriptions.

- Use objective standards whenever possible and provide concrete examples when you must use subjective standards.
- Clearly communicate goals, expectations and your means of evaluating them to employees in writing at the beginning of the appraisal period. It's a good idea to have employees sign these at the beginning of the appraisal period and after the results of your evaluation.
- Train all personnel involved in giving evaluations.
- Give immediate and ongoing feedback to all of your employees.
- Keep documented records throughout the appraisal time period on all employees.
- Concentrate on performance, not personality or personal problems. Criticize work habits and behavior, not the person.
- Reinforce good habits with immediate recognition and praise. Be specific. A little praise when deserved can be a great motivator.
- Be honest.
- Get feedback from employees and listen carefully.
- Plan and prepare for performance evaluations—review, reflect and set new goals.

- Be prepared to discuss what future opportunities the organization has for the employee.




HIRING & RETAINING TOOLS

❖ Performance Evaluations ❖



Effective Performance Evaluations Supervisor's Checklist

Performance problems occur for a variety of reasons. Following is a list of the more common reasons that should be given consideration:



- Is additional training needed?
- Is the employee overworked?
- Is there a personality conflict with a co-worker?
- Has new equipment been installed or a new procedure implemented that the employee is not comfortable with?
- Has a personnel change affected the employee or the department in general?
- Is the employee having family problems?
- Is the employee having a health problem (including drug and alcohol abuse)?
- Has the employee misrepresented his or her background?
- Has the employee failed to keep current with developments in the field?
- Does the employee need help in reorganizing his or her workload?
- Is the employee aware of how his or her work is being evaluated?
- Are there physical barriers in the way of the employee's success, i.e. poor lighting, substandard equipment, excess noise, overcrowding, etc?

Be sure to set definite time frames for employee's improvement and any agreements you make to provide training or assistance. Your local Job Service Workforce Center can provide a performance evaluation tool to assist you.

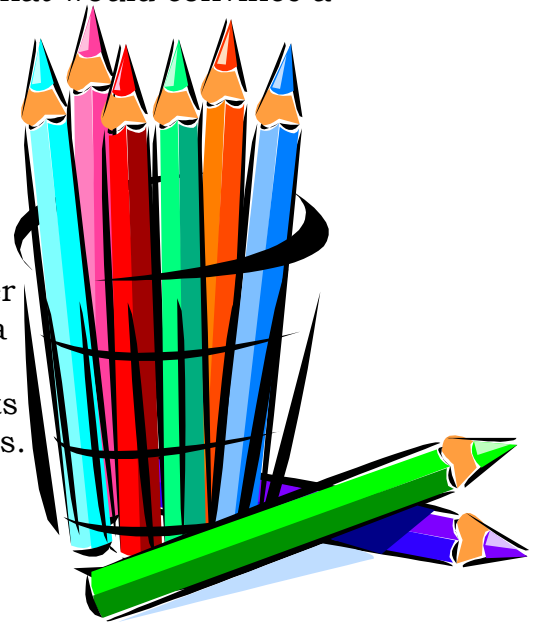
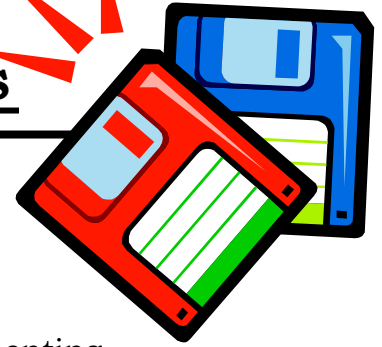


HIRING & RETAINING TOOLS

❖ Progressive Discipline ❖

Progressive discipline is a process of applying and documenting disciplinary actions progressing from less serious to more serious depending on the history of the employee and the severity of the offense. It is a means of minimizing your exposure to litigation and should be designed to correct a problem in a positive, helpful manner whenever possible. It's important that you have a thoroughly documented business-related reason when you terminate an individual's employment for cause (unless during an initial probationary period). Your documentation should demonstrate "good cause" that would convince a judge or juror.

There is no substitute for hiring the right person in the first place. However, unsatisfactory performance can occur at any time to any employer and for many reasons. You have already invested a great deal of time and money in your employees. Assisting them to correct/change the problem costs far less than recruiting and training new employees.

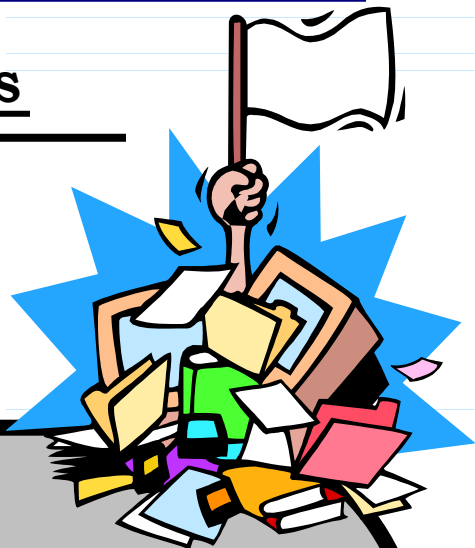


HIRING & RETAINING TOOLS

❖ Progressive Discipline ❖

Key Elements of Progressive Discipline

- Consult any bargaining agreements for language on discipline or discharge before developing a progressive discipline policy and before taking disciplinary action.
- Make sure all employees receive a copy of your company's rules and policies.
- Clearly communicate job duties and expectations to all employees.
- Regular performance evaluations can help maintain and update these communications.
- Begin discipline as soon as the performance problem or behavior occurs.
- Apply policies consistently and fairly. (Most grievances and litigation result when individuals feel they have been treated unfairly.) Practice good faith efforts. Investigate thoroughly before making judgments. Due process includes informing the employee what the action is and why it is being taken as well as making sure the employee has the opportunity to respond to the questioned behavior or problem.
- Consider Employee Assistance Programs if available.
- Document all disciplinary actions—both informal and formal.
- Prepare for disciplinary interviews in advance.
- Conduct disciplinary meetings in private.



- State whether the discipline is formal or informal and give the employee a notice of grievance rights (if applicable).

HIRING & RETAINING TOOLS

❖ Progressive Discipline ❖

Informal Disciplinary Actions

You may repeat informal disciplinary actions as often as you choose as long as you follow all provisions of your personnel policies and you apply them consistently. You need to consider the seriousness of the offense and the time frame in which the repetitions occur.

Corrective Counseling: Constructive actions taken to improve unsatisfactory employee behavior or performance in a positive, non-threatening manner prior to or during the administration of formal disciplinary action. These actions may include, but are not limited to coaching, counseling, and training.

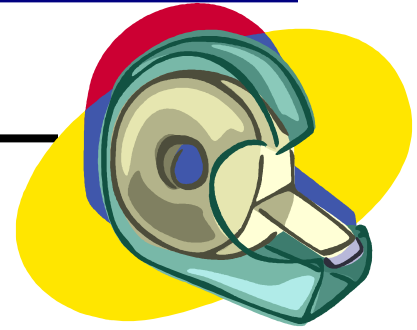
Oral Warning: Given as a first step or when corrective counseling has not succeeded in correcting the problem.

Formal Disciplinary Actions

Formal disciplinary actions become necessary when informal actions have been unsuccessful. It is at this stage that specific expectations and outlining the consequences of failure to improve become even more crucial. More direct supervisions or monitoring as well as coaching or training may be necessary. In some cases, such as theft, fraud, or assault, appropriate discipline may begin at a higher or formal level. Consult your policies and consider the following – the type of offense, the relevant policy or rule, the circumstances, the employee, and past treatment of similar problems.

Discharge: Is the final step of terminating an individual's employment. Supervisors should be given the authority to suspend employees for short periods of time but not to terminate on the spot. This is due to the potential penalties associated with a wrongful discharge claim if an impartial investigation and required procedures are not followed.

- Consider whether all other options have been explored and/or taken.
- Consult your human resources department or legal counsel to ensure that you have followed all necessary steps and that the wording in your discharge letter is appropriate.
- Review the Disciplinary Checklist
- Have the final paycheck ready as Montana Wage and Hour Laws require that "if an employee is discharged for cause, the employer must pay the employee immediately, unless the employer has a written personnel

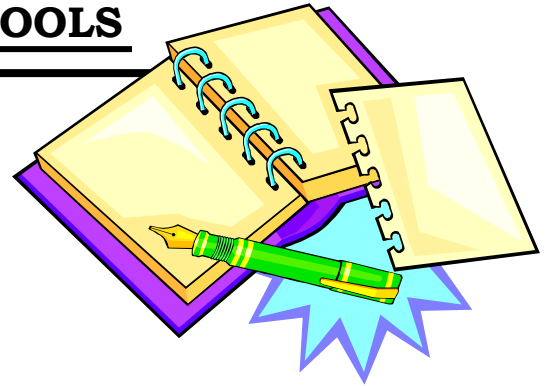


policy governing the employment that extends the time for payment of final wages to the employee's next regular payday for the pay period or to 15 days from separations, whichever occurs first.

HIRING & RETAINING TOOLS



❖ Progressive Discipline ❖



A LETTER OF DISCHARGE should contain the following:

- A clear statement of discharge
- The reason (just cause) for the action
- The documentation of just cause
- A notice of grievance or other due process rights
- An attached copy of the grievance policy (if applicable)

SUSPENSIONS WITHOUT PAY are generally utilized when severe infractions of policies occur and/or when previous disciplinary steps have not been successful. It is often a last chance for employees to review their desires to conform to requirements. It is not generally an effective tool when dealing with a lack of skills. Suspensions are generally issued in writing during a disciplinary interview. If a suspension is issued orally due to a severe infraction, it should be stated very specifically that the employee is being suspended without pay and is to leave immediately. Such action must be followed up in writing immediately.

DISCIPLINARY DEMOTION is a formal disciplinary action where the employee is removed from his/her current position and placed in a position with reduced responsibilities and pay. It is usually used as a means of correcting work performance problems – not behavioral problems.



HIRING & RETAINING TOOLS

❖ Progressive Discipline ❖

WARNING CHECKLIST

WRITTEN WARNINGS should include the following: A, B, C, D, E, F

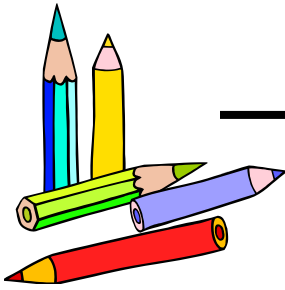
WRITTEN SUSPENSIONS should include the following: A, B, C, D, E, F

WRITTEN DISCIPLINARY DEMOTION should include the following: A, B, E, F

- A. The reason for the action – what the problem is, specific dates, times, previous discipline attempts, etc.
- B. A statement of the disciplinary action being taken and why.
- C. Specific improvement or correction required – specify a time frame and follow up.
- D. A statement of the consequences of failure to improve work performance of correct behavior.
- E. Notice of grievance rights – if any.
- F. A signature of the employee acknowledging that he/she had the opportunity to review and comment on the action – not necessarily that he/she agrees with the action being taken and that he/she has received a written copy of the disciplinary action being taken.

**Please See Copy
In The
Form Section
Page 95**

HIRING & RETAINING TOOLS



❖ Progressive Discipline ❖

At all stages of progressive discipline, it is critical to clearly identify . .

WHAT the problem is

WHY it is a problem

WHAT performance or behavior you want instead

WHY it is important the performance/behavior improve

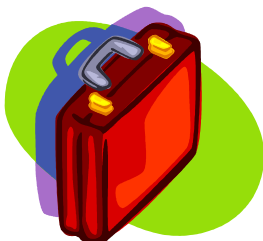
NOTE: At formal disciplinary stages, the last “why” should also include the consequences, such as suspensions, demotions, terminations, etc., as appropriate.



Documentation Tips

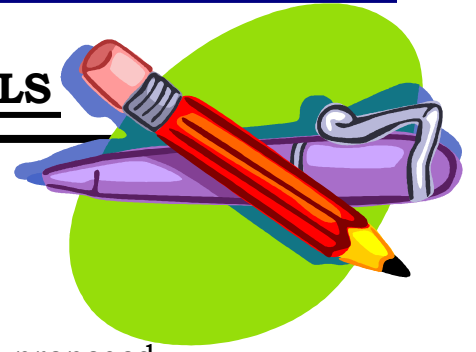
ALWAYS BE SPECIFIC AND FACTUAL – record specific details such as times, dates, names, places, description of the problem, a brief synopsis of both parties’ discussion as well as the agreed upon solution, and a date and time for a planned follow up. General statements (such as frequently late for work, bad attitude or poor customer services, etc) are difficult to substantiate if challenged.

DESCRIBE IN A NARRATIVE FORM THE EMPLOYEE’S FAULTS IN A FACTUAL MANNER – if conclusions are used, they should be supported by a specific factual foundation. Example: Do not say, “John was intoxicated”, but rather record – “John returned from lunch at 1:30 p.m. (which was 30 minutes late) on August 21, 1997. His speech was slurred and he staggered when he walked. He fell into file cabinets twice. I was able to smell a strong odor of alcohol on his breath”.



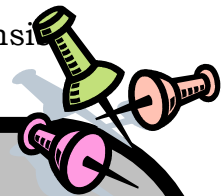
HIRING & RETAINING TOOLS

❖ Progressive Discipline ❖

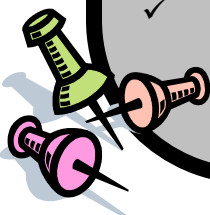


The personnel file should clearly support and justify the proposed disciplinary action without resorting to outside sources for additional information. The file should be sufficient in itself. Ideally, a stranger reading the record will conclude that the employee deserves whatever discipline is being proposed.

Before imposing disciplinary action such as termination, suspension without pay or demotion, ask yourself the following questions:



- ✓ Has all critical information been reduced to writing and placed in the personnel file?
- ✓ Is the nature of the employee's misconduct or lack of performance clearly described in a specific, factual manner?
- ✓ Was the employee clearly informed of required standards of behavior and performance?
- ✓ Does the record progress from mild, early warnings to more serious, comprehensive documents?
- ✓ Was the employee given adequate assistance and direction by management?
- ✓ Has the employee had reasonable time and a fair opportunity to improve?
- ✓ Is the lack of performance or misconduct sufficiently persistent and serious to warrant the proposed disciplinary action?
- ✓ Have all the statutory and procedural requirements been met, such as promptly filing disciplinary documents?
- ✓ Has the employee been given fair warning of the consequences of continued performance problems or misbehavior?



If you answered "yes" to all of the above questions based on documents contained in the personnel file, you will have a well-documented disciplinary action.

HIRING & RETAINING TOOLS

❖ Progressive Discipline ❖

SAMPLE DISCIPLINARY NOTICE



Employee Name: _____
Department: _____

Written Warning ☐

Final Warning ☐

1. Statement of the problem (violation of rules, policies, standards, practices or unsatisfactory performance): _____

2. Prior discussion or warnings on this subject (oral, written, dates): _____

3. Statement of company policy on this subject: _____

4. Summary of corrective action to be taken (include dates for improvement and plans for follow-up): _____

5. Consequences of failure to improve performance or correct behavior: _____

6. Employee comments: _____

Employee Signature _____
Date _____

Supervisor's Signature _____
Date _____

Distribution:
One Copy to Employee,
One copy to Supervisor
Original copy to Personnel File

Please See Copy
In The
Form Section
Page 96

HIRING & RETAINING TOOLS

❖ Progressive Discipline ❖

Please See Copy
In The
Form Section
Page 53

EMPLOYEE TERMINATION EXIT CHECKLIST

Date: _____

Employee Name: _____

Position: _____

Date of Hire: _____

Date of Termination _____

Topics to Discuss:

- _____ Salary/Payroll
- _____ Salary Through Last Day of Employment:
- _____ Accrued, Unused Vacation Through Last Day:
- _____ Other Adjustments (commission, travel expenses. etc.)
- _____ Disclose any Benefits Included as Taxable Wages:
- _____ Total of Final Paycheck:

Employee Benefits:

- _____ Health Insurance:
- _____ COBRA information given to employee
- _____ Date coverage ends:
- _____ Reimbursement due employee for premium:
- _____ Insurance company notified Life Insurance:
- _____ Date coverage ends:
- _____ Insurance company notified
- _____ 401(k) Plan:
- _____ Withdrawal/Rollover information given to employee Profit Sharing Plan:
- _____ Employee notified of any distribution

Return of Company Property: _____

The Terminating Employee's Forwarding Address: _____

Completed By:

Name: _____

Position: _____



HIRING & RETAINING TOOLS

❖ The Cost of Turnover ❖




Turnover is costly. Once you know the true cost of turnover, reducing it will become a high priority in your business.

Enthusied, loyal employees with the right talents increase your profits. No decision is as important as the decisions about people because they determine the limits of how far your organization can go.

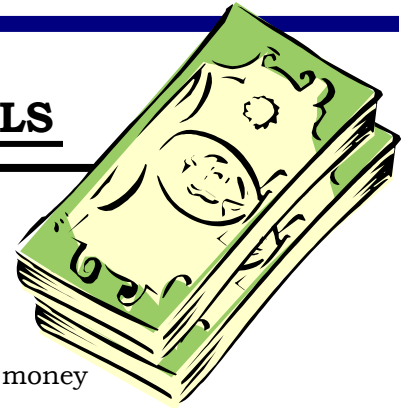
A recently conducted survey of employers indicated that only 16% of employers measure their turnover costs. There are numerous ways to estimate actual turnover costs. The US Department of Labor estimates that it costs a company one-third of a new hire's annual salary to replace an employee. Using a wage rate of only \$7.00 per hour, it costs a company \$4,350.00 for each departing employee. Estimates of the cost to replace supervisory, technical and management personnel run from 50% to several hundred percent of their salaries.

Simple turnover rate equals a company's total number of separations (both voluntary and involuntary) divided by its total number of employees. Most companies exclude cyclical layoffs, permanent reductions-in-force, temporary employees and cutbacks due to mergers. Some also exclude unavoidable turnover due to death, illness, or spouse relocation.

Turnover costs can be divided into four categories:

- 
- 
- Separation – may include pre-separation costs of an employee's slower work pace, increased absenteeism, sabotage, unemployment insurance, litigation, severance, COBRA benefits continuation costs, the cost of conducting exit interviews, lost opportunities in sales and service, and expenses such as overtime pay for employees who pick up the slack.
 - Replacement – may include advertising, recruiting, referral bonuses, relocation expenses, sign-on bonuses, processing paperwork, testing, interviewing, reference and background checks, as well as time and material for new hire orientation.
 - Training – includes the time and effort from trainers, supervisors, and coworkers
 - Productivity – harder to quantify, but includes increased error rates, lost productivity due to the learning curve, lost customers, and decreased morale as well as possible opportunity losses and reputation effects.
- 

HIRING & RETAINING TOOLS



❖ The Cost of Turnover ❖

Why Do People Leave Their Jobs?

Some times it is for better career opportunities, benefits, and money

Sometimes it is because of a poor supervisor and has nothing at all to do with the company.

Sometimes it is because they are unhappy. Employees need to feel like they make a difference, they need meaningful work; and they need a work/life balance.

Sometimes it is because the employer hired the wrong person – the talents or strengths of the individual hired did not match the talents needed. This also applies to promotions when star-performing employees are advanced to positions not suited to their talents.

To help understand why employees leave your organization, conduct exit interviews. Pay particular attention to why your most valued employees leave. The Society for Human Resource Management's 2000 Retention Practices Survey revealed the most common reason employees voluntarily leave is for the pursuit of career opportunities elsewhere. This survey cited the next two most often reasons for leaving as better compensation (and benefit packages) and poor management.

Interestingly, a Harvard Study found that nearly 80% of turnover is attributed to hiring mistakes. Remember, pay and benefits are important to all employees – good, bad, and mediocre.

Consider doing an anonymous retention analysis of your current employees. Keep it simple and respond to the information you receive.

Retention Analysis

Some turnover is inevitable, but managers need to know the true reasons why employees leave and why they stay. How can you assess why your employees leave?

Ask, and then listen!

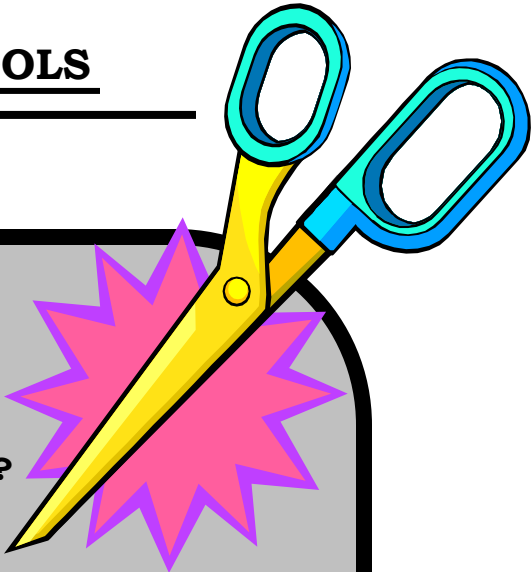


Use positive comments to develop potential niches to set you apart from other companies. Use negative comments as opportunities to make improvements and create potential employment niches. Niches would include unique environment, compensation, and opportunities to develop. Continuously communicate and market why your company is so special to work for with recruitment brochures, newsletters, payroll stuffers, career planning guides, etc.

Other ways to find out include – practice management by walking around and asking for input, work side by side with your employees, offer suggestion systems, ask for input at meetings and be sure to conduct exit interviews and surveys to find out why they are leaving when they actually do leave.

HIRING & RETAINING TOOLS

❖ The Cost of Turnover ❖

Retention Analysis Survey

- 
- 
- 
- **What do you like best about your job?**
 - **What do you enjoy about working in your department?**
 - **What do you enjoy about working for our company?**
 - **What is the most important thing that keeps you here working for us?**
 - **What would you tell a friend about the pros and cons of coming to work for us?**
 - **What would cause you to look for work somewhere else?**
 - **If you could change any one thing to make this a better place to work, what would it be?**
 - **What is important to your career development? Do we provide this to you?**

HIRING & RETAINING TOOLS

❖ The Cost of Turnover ❖

What Can You Do?

You can treat employees like they make a difference . . . and they will make a difference.

The people who work for you are the only true source of long-term sustainable competitive advantage. They are the force that, properly motivated and directed, drives your quality, innovation, and customer service and satisfaction.

Employers need to review their hiring criteria to ensure that they are not omitting potentially excellent employees due to requirements that have little or nothing to do with the job at hand.

With such diverse age groups, employers must develop recruitment and retention strategies that motivate every worker regardless of age, while keeping each individual's wants and needs in mind.

Hire the Right People & Make Efforts to Keep Them

- Realistic Job Previews
- Improved Selection
- Good Employee Orientation
- Build in Continuous Training
- Supervisory Leadership
- Well Designed Employee Mentoring Systems
- Pay Competitively & Provide Benefits
- Improved Working Conditions
- Job Enrichment
- Opportunities for Career Advancement
- Address Employee Concerns



Orientation Program – Develop an orientation checklist that insures new employees receive adequate training and job related information as well as protects you by insuring that all required documentation is completed – please note the New Employee Orientation Checklist.

Training, Training, Training – Spend quality time with employees. Relevant training, coaching, and mentoring are far more important than they are traditionally given credit. “The skills of the workforce are going to be the key competitive weapon in the 21st Century . . . skilled people become the only competitive advantage”, states Lester Thurow of MIT.



**"Genius without Education
is like Silver in the Mine"**

Benjamin Franklin
Poor Richard's Almanack




Training



TRAINING

❖ Training Your Workforce ❖

The most profitable companies with the greatest investor value are those that devote significant financial resources to training, according to American Society for Training and Development Research.



"If you think training employees and watching them leave is expensive, try not training them and watching them stay!"
- Business Journal 2000

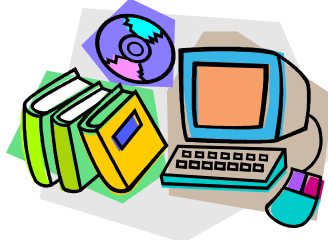
Keys To Training

There is no longer any such thing as a stable, secure workplace. Technological changes and the opening of markets to worldwide competition make it impossible for businesses to survive very long doing the same work in the same way. These changes in the ways firms do business frequently require more skills from workers than were needed in the past.

Workers – those new to the workforce and those who have been in the workforce for years – benefit from training and need to continually upgrade their skills. In an economy that is in transition, the American worker is also finding that investing in education and job-related skills provides the best opportunity for obtaining and keeping higher paying, long term jobs.

Current research shows that training is most effective when it takes place on the job or in a job-like setting and that more training is linked to work, the better the result. Employer-provided training may also have more motivated trainees, more effective tutorial learning methods and more appropriate materials and equipment. Basic skills are often easier to learn when they are integrated into a training program that is specific to the context of a particular job.

This expanded set and higher level of skills now constitute “basic workplace skills.” The high road to competitiveness is a long-term strategy with employers and employees serving as partners. Three simple steps can help employers and employees start down this road:



TRAINING



❖ Training Your Workforce ❖



WORK TOGETHER – Management and workers must collaborate in establishing and operating workplace based career development programs if they are to be successful.



ACCESS the CURRENT SITUATION – Employers and employees should start by carefully analyzing the status of the career development on their company. What supports, barriers, incentives, and disincentives are there for employees to enhance their skills?



SEEK OUTSIDE HELP – There are many resources that can help employers set up and operate workplace based career development programs. Some important resources are:



LOCAL COMMUNITY COLLEGE – Your community college provides technical assistance in assessing business skill needs, designing and offering responsive training programs, and counseling employees on their personal career plans.



TRADE ASSOCIATIONS – Many trade associations are engaged in projecting the future of their industries and analyzing future skill needs. This information can be extremely helpful in identifying and classifying business skill needs.



GOVERNMENT AGENCIES – The federal government and many state and local governments actively support workforce development as a foundation for economic prosperity.



OTHER NON-PROFIT ORGANIZATIONS – They can serve as a valuable resource for employers and employees in creating career development programs.



TRAINING



❖ Training Your Workforce ❖

The Committee on Post-Secondary Education and Training for the Workplace (Hansen, 1994) identifies four major types of training:

- **QUALIFYING TRAINING** – initially preparing people to go to work.
- **SKILLS IMPROVEMENT TRAINING** – for employed individuals who want further education and training to upgrade their skills and increase their job mobility.
- **RETRAINING** – for those who have been or are about to be displaced from their jobs and need to prepare for a new line of work.
- **SECOND-CHANCE TRAINING** – for individuals who need some combination of basic education and job skills, perhaps in combination with other social services, to reach economic self-sufficiency through employment.

WINNING STRATEGIES

- **T**rain managers and supervisors as mentors to ease transition and foster continued success
- **C**ustomized training with on-going support
- **P**romote ongoing internal training
- **U**sing educational institutions as a training resource
- **A**pprenticing new workers to train them for employment
- **D**eveloping a customized on-site training program
- **C**reating a customized training and licensing program



TRAINING

❖ Training Your Workforce ❖



The Next Step . . .

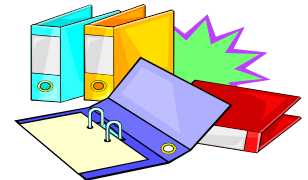
Needs Assessment: - determining the who, what, when, where, why and how of training. In order to do this, it is important to analyze as much information as possible about the:

- Organization and its goals and objectives,
- Jobs and related tasks that need to be learned,
- Competencies and skills that are need to perform the job,
- Individuals who are to be trained.

The assessment begins with a "need" which can be identified in several ways but is generally described as a "gap" between what is currently in place and what is needed, now and in the future.

Gaps can include discrepancies/differences between:

- What the organization expects to happen and what actually happens,
- Current and desired job performance
- Existing and desired competencies and skills

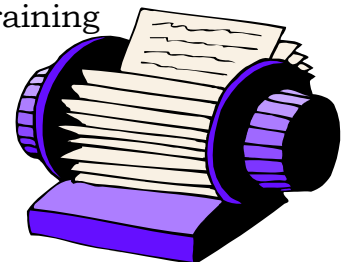


A needs assessment can also be used to assist with:

- Competencies and performance of work teams
- Problem solving or productivity issues,
- The need to prepare for and respond to future changes in the organization or job duties.

The **results of the needs assessment** allow you to set the training objectives by answering two very basic questions:

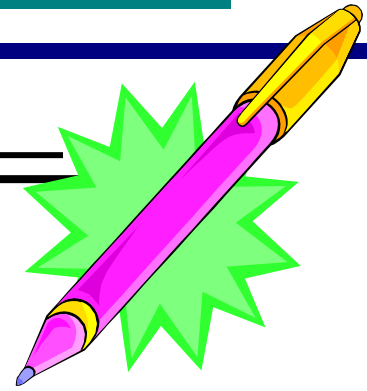
- Who, if anyone, needs training
- What training is needed.



Sometimes training is not the solution. Some performance gaps can be reduced or eliminated through other management solutions such as communicating expectations, providing a supportive work environment, arranging consequences, removing obstacles, and checking job fit.

TRAINING

❖ Training Your Workforce ❖

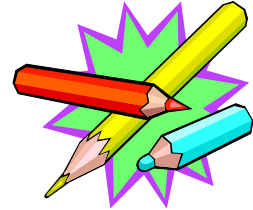


Design

- select the internal or external person or resource to design and develop the training;
- select and design the program content;
- select the techniques used to facilitate learning (lecture, role play, simulation, etc.);
- select the appropriate setting (on the job, classroom, etc.);
- select the materials to be used in delivering the training (work books, videos, etc.); and identify and train instructors (if internal).

Implementation

- schedule classes, facilities and participants;
- schedule instructors to teach;
- prepare materials and deliver them to scheduled locations; and
- conduct the training.



Assessment and Computing Training

- The more money a company spends on employee training, the greater the concern that these highly skilled people will leave and take their knowledge somewhere else. This results in a loss of knowledge and a poor return on the organization's investment in training. However, research has shown that training actually reduces turnover and absenteeism. Employees will stay where they can grow and develop.

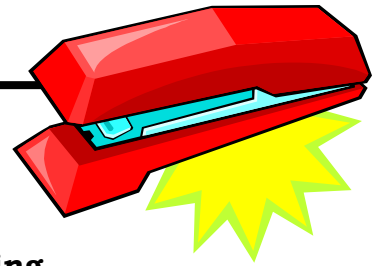
Assessment of training may be conducted at 5 different levels

- Evaluating the reaction of participants
- Measuring the learning that occurred
- Assessing the on the job behavior
- Identifying business results of training, and
- Calculating the return on investment (ROI)



TRAINING

❖ Training Your Workforce ❖



Sample "Hard" Data for Determining the Effects of Training . . .

- Productivity measures (quantity or market value)
- Quality measures (number of rejects or cost of rejects)
- Materials costs (amount per unit of production or amount of waste or scrap)
- Labor hours and costs per unit of production
- Hours of "down time" due to equipment failure, etc
- Absenteeism and tardiness rates
- Turnover rate
- Workers compensation claims - nature and number of injuries or illnesses, days of lost work or "light duty" work
- Number of grievances/legal claims/lawsuits
- Time required to fill vacant positions
- Time required to fill an order; respond to a telephone call; resolve a complaint, etc.
- Number of sales or dollar value of sales per customer
- Percent of market share
- Customer satisfaction rating or index
- Number of repeat customers
- Number of accounts or dollar value of accounts more than 30, 60, 90 days past due

Sample "Soft Data" Effects or Benefits of Training

- Improved job satisfaction and teamwork
- Increased organizational commitment and success planning
- Increased communication regarding career paths
- More clearly defined promotion opportunities



TRAINING

❖ Training Your Workforce ❖

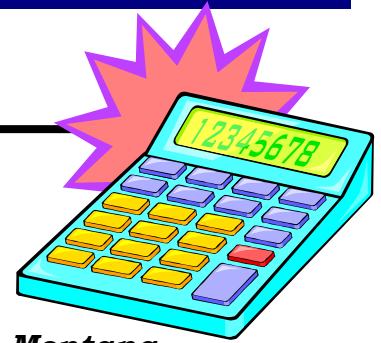
Suggestions for Improving the Return On Investment (ROI) of Training . . .



- Understand that business needs will change over the duration of the project. The longer it takes to do a project, the more likely that change will occur. Be prepared to switch gears or re-tool. Stay alert for indications of learning gaps or obsolescence of course materials created by changes in technology, economic factors, or employee demographics.
- Use the experience of senior managers and employees in estimating the results of training. Estimating requires a little math and lots of experience.
- Anticipate and plan for glitches. They will happen. Do not get discouraged. Deal realistically with unexpected events and surprises. Some of them will be problems that may reduce expected outcomes. Others may stimulate creativity and produce very positive results.
- Keep an eye on costs and monitor any deviations from estimated or budgeted expenditures.
- Balance short term and long-term goals. The pressure to deliver consistent short-term financial performance may limit the resources available for investment in growth opportunities, such as the "development" of employees for future roles.
- Secure managers' and supervisors' support for training. Effective training depends on three persons: the trainer, the trainee and the supervisor or manager.
- Align training initiatives with strategic business plans. Training should improve your organization's competitive edge, efficiency, first class service, creativity, and innovation.
- Track training costs by employee for 'career pathing' and succession planning

TRAINING

❖ Soft Skills Training ❖



An excerpt from Montana Job Training Partnerships, Inc.'s **Montana Employer Focus Groups Report** (which can be found in the back of this binder) –

Recently, many groups have held open meetings around the State of Montana to discuss issues of economic development, workforce development, and education. As is the trend across the nation, lack of employee “soft skills” was raised at almost every meeting.



Soft Skills have been defined, by Montana Employers, as being the skills needed to succeed in the workplace. These skills include the ability to communicate needs and expectations clearly, appropriate dress, reliability, punctuality, the ability to become a “team player”, initiative, honesty, the ability to balance work and home life, responsibility, and the display of a good work ethic.

In responding to the needs of Montana Employers, the Concentrated Employment Program Workforce Investment Board and the Balance of State Workforce Investment Board, through Montana Job Training Partnership, Inc., have certified forty- six (46) individuals as soft skill trainers. These trainers are from around the state and are able to provide program participants, employees, students, and other customers with techniques to improve individual soft skills.

Specifically, eight members of the Southwest Montana Workforce Development System have been certified to teach Soft Skills in the State of Montana. The eight members are:





TRAINING

❖ Soft Skills Training ❖

Certified Soft Skills Trainers

NAME	AGENCY	PHONE	ADDRESS
Debbie Cuny	HRC District XII	496-4975	PO Box 3486, Butte, MT
Lou Eveland	Career Futures, Inc.	723-9101	49 N. Main, 2 nd Fl., Butte, MT
Justine Felde	HRC District XII	496-4911	217 Larabie #8, Deer Lodge, MT
Leighanne Fogerty	SWMWDS	494-0323	2201 White Blvd., Butte, MT
Linda Lowney	HRC District XII	496-4975	700 Casey St., Butte, MT
Amy Stops	HRC District XII	496-4975	700 Casey Street, Butte, MT
Joe Strelnek	Butte/Anaconda Job Service	494-0329	2201 White Blvd., Butte, MT
Michelle Vincent	Butte/Anaconda Job Service	494-0324	2201 White Blvd., Butte, MT

“Workin’ It Out” is the curriculum used to teach soft skills and was written by Steve Parese, Ed.D. The “Workin’ It Out” program series was developed to meet the needs of both employers and employees by (1) better preparing low income individuals for the interpersonal challenges of the workplace, and (2) better preparing employers to support and manage entry-level workers.

The “Workin’ It Out” program is designed to help entry-level employees, especially those from diverse backgrounds, to develop the self-awareness and interpersonal “soft skills” needed to succeed and advance in the world of work.

The Workin’ It Out program series is targeted at four (4) groups:

Workin’ It Out – For new employees struggling to adjust.

Learning to Work It Out – For individuals with multiple barriers to employment.

Beginning to Work It Out – For at-risk youth and young adults.

Managing to Work It Out – For supervisors struggling with challenging workers.

If you are interested in scheduling a soft skills training session for internal or external customers, please feel free to contact any of the Certified Trainers listed above. If you have questions, concerns, or would like additional information, please do not hesitate in contacting any of the Certified Trainers. We look forward to hearing from you.

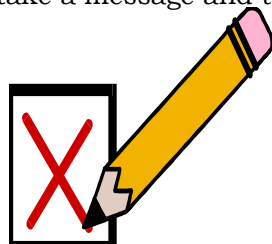


TRAINING

Please See Copy
In The
Form Section
Page 98

❖ Soft Skills Quiz ❖

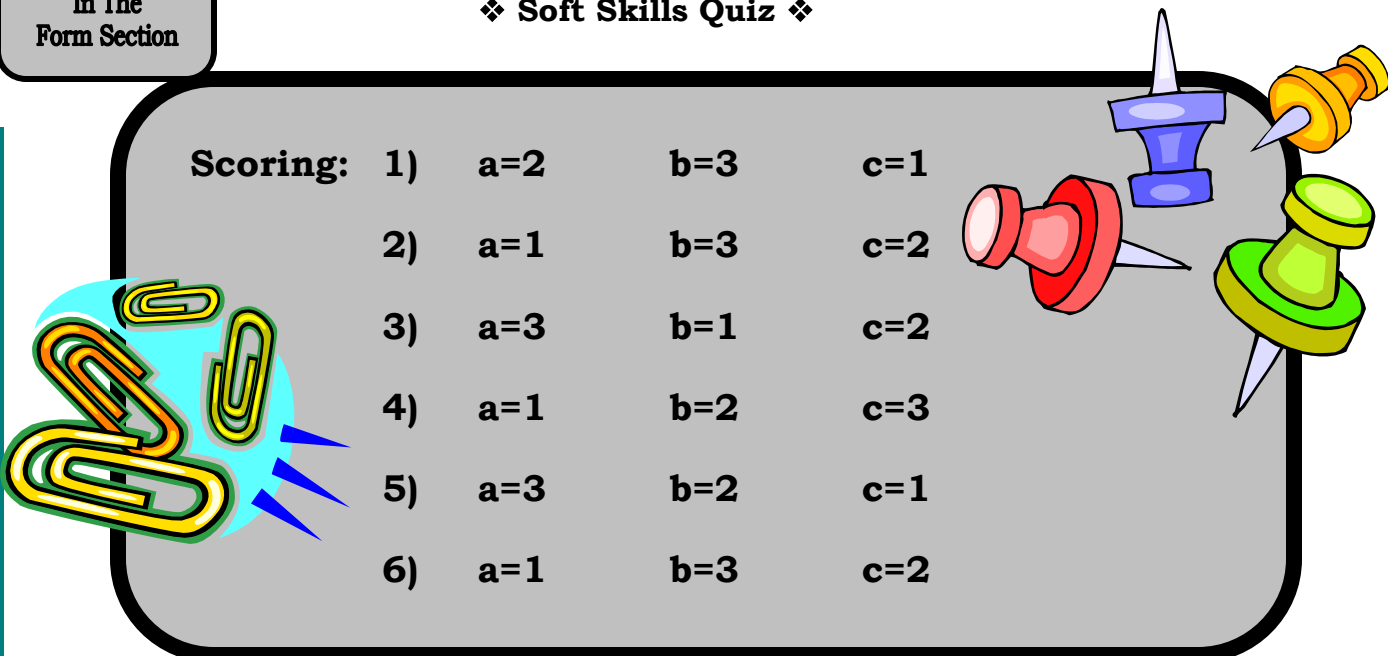
- 1.) You are running late, and you think you're going to be 10 minutes late for work.
 - a) You don't call your place of work since 10 minutes in no big deal, but you feel that you should make up the time you lost so you make a mental note to stay 10 minutes longer at the end of your workday.
 - b) You call you place of work to let them know you'll be late and to tell them when you'll be there.
 - c) You'll be there when you get there. It wasn't your fault you were late.
- 2.) When you get dressed for your work, you
 - a) Put on your favorite outfit
 - b) Put on clothes like you see your co-workers wearing
 - c) Put on whatever you have that's clean
- 3.) Your boss comes to you and tells you that she is not happy with your work
 - a) You ask her to help you understand what the problem is and to tell you the right way to do it
 - b) You spent a lot of time on you work and can't believe your boss is getting on your case. You threaten to quit
 - c) You don't know what you did wrong and wait for your boss to tell you what to do about it
- 4.) You need to put a bill payment in the mail, and won't have time to buy a stamp at the post office – and you know there are stamps at work
 - a) You take the stamp. You know your co-workers take pens home and they're worth more than stamps anyway.
 - b) You find out where the stamps are and borrow one. You will buy stamps tomorrow and replace the one you borrowed
 - c) You go to the office manager and ask if you can buy one.
- 5.) You're having trouble with your co-worker. She seems to be exasperated with your questions about how to do the job and tells you to 'go figure it out yourself'.
 - a) You sit down with her and say you've noticed she seems frustrated. You ask her what you can do to make working together easier. If you can't work things out with her, then you go to talk to your supervisor about how to handle the situation.
 - b) You go to your supervisor and say how hard it is to work with your co-worker.
 - c) You tell your co-worker you're fed up with her.
- 6.) One of your co-workers went home sick and you have to cover for him. His phone rings. It's a customer with a question you don't know the full answer to.
 - a) You don't know who called, because you didn't pick up the phone why should you have to do extra work.
 - b) You ask the customer to hold and go to your supervisor for the answer. You relate the answer to the customer
 - c) You take a message and tell the customer he will get a call back the next day.



TRAINING

Please See Copy
In The
Form Section

❖ Soft Skills Quiz ❖



Scoring:	1)	a=2	b=3	c=1
	2)	a=1	b=3	c=2
	3)	a=3	b=1	c=2
	4)	a=1	b=2	c=3
	5)	a=3	b=2	c=1
	6)	a=1	b=3	c=2

15 – 18 Congratulations! You have great soft skills. You can empathize with you co-workers and your managers – you understand where they’re coming from. You’re a team player and they’re lucky to be working with you!

10 – 14 You have some soft skills. You understand your basic responsibilities as an employee, but you may sometimes see things from your own point of view and not consider how your managers or coworkers see a situation.

9 – 6 You may be a talented, hardworking employee – but it can be hard for other to tell. Your managers and co-workers may find it difficult to communicate with you. It’s important for you to know that you have a lot of potential – but until you brush up your soft skills others might underestimate you.

TRAINING

❖ Training Your Workforce ❖

The Southwest Montana Workforce Development System is committed to employers and is making business retention and development a priority. The System has identified employer/employee training as a way to accomplish this goal.



The members of the Southwest Montana Workforce Development System not only include two post- secondary institutions, Montana Tech of the University of Montana and the University of Montana at Western, but the rest of the partners offer specific year round training to both employers and employees which include –

❖ Conflict Management/Resolution Training

❖ Labor Market & Wage Analysis

❖ Computer Literacy Training

❖ Tax Credit Forms & Information

❖ Customized Training

❖ Stress Management

❖ Assertiveness Training

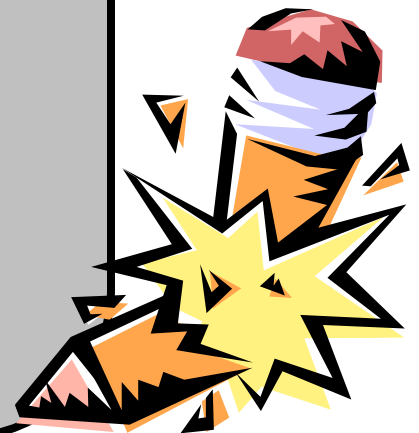
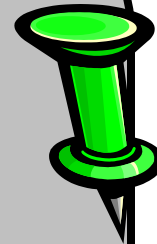
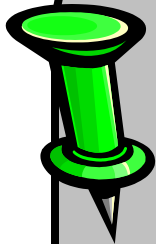
❖ Goal Setting

❖ Financial Management

❖ Employee Child Care Referral

❖ Employer Specific Workshops

❖ On-the Job Training



Please call any member of the Southwest Montana Workforce Development System for additional training information. We look forward to hearing from you.



**"He that cannot Obey
cannot Command"**

Benjamin Franklin
Poor Richard's Almanack



Employment Laws

EMPLOYMENT LAWS



❖ Wage and Hour Laws ❖

The following information has been provided by the Montana Department of Labor Wage and Hour Unit – 406-444-5600 - PO Box 6518 – Helena, MT 59604-6518.

Frequently Asked Questions



1. **How often are breaks required to be given and how long must they be?**

Neither the federal nor the state of Montana wage and hour laws require that breaks be provided. However, if rest breaks are provided, they are considered hours worked. Meal periods are also hours worked unless certain criteria are met: 1) completely relieved of duty and 2) at least 30 minutes in duration.

2. **When are wages due if an employee quits, is laid off or is discharged?**

Effective October 1, 2001 wages are not due to an employee who quits until the next payday for the period in which the employee was separated, or 15 days, whichever occurs first. If an employee is laid off or discharged, all wages are due immediately unless the employer has a pre-existing, written personnel policy that extends the time for payment up to the next pay day for the period in which the separation occurred, or 15 days, whichever occurs first. In the case of an employee discharged for allegations of theft connected to the employee's work, an employer may withhold the value of the theft provided: 1) the employee agrees in writing to the withholding, or 2) charges have been filed with law enforcement within seven days of separation. If no charges are filed with a court of competent jurisdiction within 15 days of the filing of the report with law enforcement, the wages are due within the 15-day period. If the employee is found not guilty of the charges or the employer withholds in excess of the value of the theft, the court may order the employer to pay the withheld amount plus interest.

3. **Is it okay for an employer to require that all keys and uniforms be returned before paying employees their final paycheck?**

No, you must still follow the law as explained in Answer #2.

4. **Can I withhold payment of wages to offset charges made by the employee at my business?**

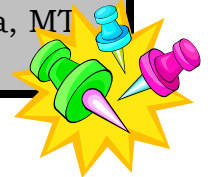
Only if you have a signed agreement of this arrangement with the employee.

EMPLOYMENT LAWS

❖ Wage and Hour Laws ❖



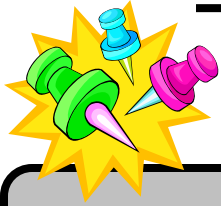
The following information has been provided by the Montana Department of Labor Wage and Hour Unit – 406-444-5600 - PO Box 6518 – Helena, MT 59604-6518.



Frequently Asked Questions

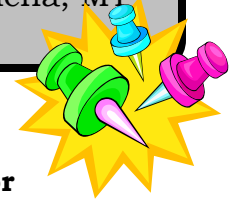
5. **Can I require that employees come to my business to get their final paycheck?**
You must pay through regular pay channels OR by mail if requested by the employee.
6. **Can I deduct from wages the amount of damages caused by an employee?**
No, wages cannot be withheld for shortages, damages or mistakes.
7. **Can I pay my employee less than minimum wage during a training period?**
No, there is no training wage in Montana. Even if an employee signs an agreement to work for less than minimum wage, it is unenforceable because it is illegal.
8. **I pay my hourly employees every 2 weeks so I just pay overtime for any hours worked over 80. Is this okay?**
No, each week stands alone and cannot be averaged for minimum wage or overtime. A workweek is defined as a period of 168 hours during seven consecutive 24-hour periods.
9. **I require my food servers to pool their tips and I disburse these tips among all my employees. Is this okay?**
No, tips belong to the employees who provide the service and any tip pool agreements should be arranged only by the employees to whom the tips belong.
10. **We have a tip container for patrons to leave tips at our espresso bar. We donate all tips collected to local charities. Is this okay?**
Again, no. Tips belong to the employees and employers should not try to control them.

EMPLOYMENT LAWS



❖ Wage and Hour Laws ❖

The following information has been provided by the Montana Department of Labor Wage and Hour Unit – 406-444-5600 - PO Box 6518 – Helena, MT 59604-6518.

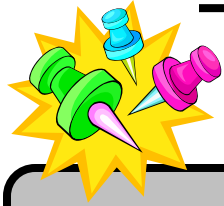


Frequently Asked Questions

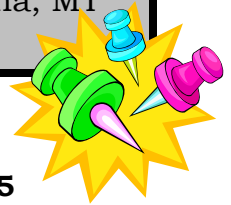
11. **Is it necessary that I give a discharged employee a reason for discharge?**
It is the duty of any person after having discharged any employee from service, upon demand by the discharged employee, to furnish the discharged employee in writing a statement of reasons for the discharge. Except as provided in subsection (3), if the person refuses to do so within a reasonable time after the demand, it is unlawful for the person to furnish any statement of the reasons for the discharge to any person or in any way to blacklist or to prevent the discharged person from procuring employment elsewhere, subject to the penalties and damages prescribed. . .
12. **Do I need to pay employees for staff meetings held in the evenings, which are not during my employees' regular hours of work?**
All of the following criteria must be met in order for meetings and training not to be considered hours worked. Not work time if:
—attendance is outside of employee's regular working hours,
—attendance is voluntary
—not directly related to employee's job, AND
—employee does not perform any productive work during attendance.
13. **Can I require my employees to report to work and wait around to see if we are busy enough to need their services?**
Time spent waiting is hours worked. You can pay different rates as long as these rates meet minimum wage requirements and do not conflict with other agreements.
14. **Is it true that since I pay my employees on a salary basis, I don't need to be concerned about overtime?**
Paying employees on a salary basis is only one of many methods of payment. You still must pay overtime for all hours worked over 40 in a workweek unless the employee specifically meets an exemption from the overtime provisions of Montana statutes. (For a list of exemptions request a Quick Reference Guide from your local Job Service Office)

EMPLOYMENT LAWS

❖ Wage and Hour Laws ❖



The following information has been provided by the Montana Department of Labor Wage and Hour Unit – 406-444-5600 - PO Box 6518 – Helena, MT 59604-6518.



Frequently Asked Questions

15. **Can I require my employees to report to their work stations 15 minutes before their shift begins?**
Only if you pay them for it. Preparatory and concluding activities are hours worked.
16. **I have a written policy that requires employees to get written permission before they are allowed to work any overtime; however, I have one employee who comes in early and stays late without approval. Must I pay him overtime?**
Unless the employee is exempt from overtime, you must pay the employee overtime for all hours worked over 40 in a workweek. If an employee does not follow your established rules and policies, you should address these problems through disciplinary measures.
17. **If an employee actually works 40 hours during the workweek and I also pay him 8 hours of holiday pay, do I need to pay time and a half for 8 of these hours?**
No, wage and hour laws do not require that holiday pay, sick leave, or vacation hours be counted toward the 40 hours unless actually worked.
18. **Can I hire 14 and 15-year-olds during the school year?**
Yes, as long as the specific employment is not prohibited and you adhere to the allowed hours of work. See child labor laws for details.
19. **Can I refuse to hire people who smoke?**
You can implement smoking and no-smoking policies during work hours; however—generally, discrimination is prohibited for the use of lawful products during non-working hours.
20. **Must I pay unused vacation pay to an employee who quits?**
The wage and hour laws do not require that an employer provide vacation pay (private sector) but they do say, if promised and earned, is due and payable. So whether or not vacation pay is due depends on your policies and how they are written and implemented.

EMPLOYMENT LAWS



❖ Wage and Hour Laws ❖

The following information has been provided by the Montana Department of Labor Wage and Hour Unit – 406-444-5600 - PO Box 6518 – Helena, MT 59604-6518.

Frequently Asked Questions



21. **Must I give severance pay to departing employees?**

The wage and hour laws do not require severance pay.

22. **Can I give compensatory time off to employees instead of paying them overtime?**

The private sector cannot substitute compensatory time for overtime unless the employees are exempt from the overtime provisions of the law. Note: Use of comp time for Administrative, Executive or Professional employees may jeopardize exempt salary status.

Records Required to be Kept:

Name in full
✓ Social Security Number
✓ Home address
✓ Date of birth
✓ Time of day and day of week employee's workweek begins
✓ Regular hourly rate of pay and length of pay period
✓ Hours worked each workday and total hours worked each workweek
✓ Date of payment and pay period covered by payment
✓ Total daily or weekly straight time earnings or wages
✓ Total weekly overtime compensation
✓ Total additions to or deductions from wages
✓ Total wages paid each pay period
*Records required for exempt employees differ from those for nonexempt workers. Also, special information is required on employees under uncommon pay arrangements or to whom board, lodging or other facilities are furnished. **Records of the required information must be preserved for 3 years.***

WAGE AND HOUR LAWS DO NOT REQUIRE

Vacation pay (private sector) if promised and earned, is due and payable

Holiday or sick pay (private sector)

Severance pay

Rest breaks or meal periods

Holidays off

Pay raises or fringe benefits

Time clocks to be used

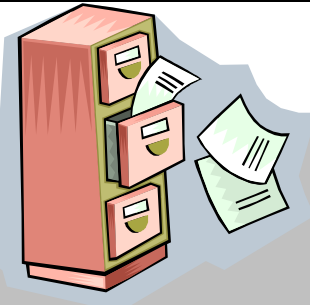
The Wage & Hour Unit has no jurisdiction over scheduling employees, disciplinary actions or termination.



EMPLOYMENT LAWS

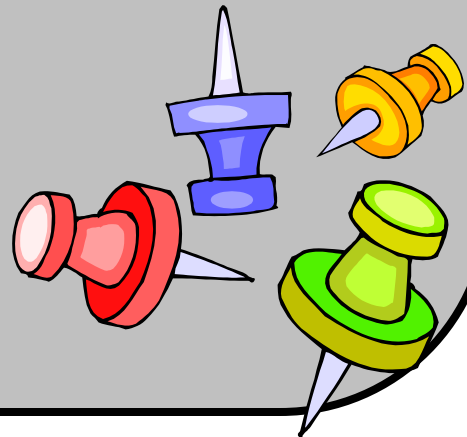
❖ Wage and Hour Laws ❖

The following information has been provided by the Montana Department of Labor Wage and Hour Unit – 406-444-5600 - PO Box 6518 – Helena, MT 59604-6518.




HOURS WORKED

- ✓ **Includes all the times an employee is required to be on duty or on the employer's premises or at a prescribed work place and all the time during which they are suffered or permitted to work for the employer.**
- ✓ **Meal periods unless certain criteria are met: 1) completely relieved of duty and 2) at least 30 minutes in duration**
- ✓ **Staff/business meetings and training**
- ✓ **Not work time if all these are met: 1) attendance is outside of employee's regular working hours; 2) attendance is voluntary; 3) not directly related to employee's job, and 4) employee does not perform any productive work during attendance**
- ✓ **Sleeping time on a shift of less than 24 hours**
- ✓ **Preparatory and concluding activities**
- ✓ **Rest breaks**
- ✓ **Time spent waiting**
- ✓ **Travel time**




EMPLOYMENT LAWS

❖ Independent Contractors ❖



The following information has been provided by the Montana Department of Labor Central Unit - 406-444-1446 – Helena, MT 59604-6518.



INDEPENDENT CONTRACTOR OR EMPLOYEE?

Some things you should know before you hire
contract labor




In today's competitive business climate, you may think about using contract labor as a cost-effective way of conducting business. You may assume that temporary and part-time labor; casual labor and individuals who sign independent contractor agreements are considered contract labor. Since you issue 1099's and don't withhold taxes, you probably think you are doing everything right. **THIS IS NOT NECESSARILY SO!**

Contract labor is perhaps the most misused category of workers in the business world. You can't assume that casual labor, temporary or part-time labor or individuals who sign independent contractor agreements will be considered contract labor. Issuing 1099's and not withholding taxes does not make an individual an independent contractor.


In Montana, to be considered an independent contractor, a worker must be both **free from direction and control and have an independently established business**. Since other state and federal agencies may have different definitions of independent contractors, their criteria may not apply for Montana agencies. Workers are considered employees unless you provide proof the worker is an independent contractor. This may seem time consuming and costly, but clearing up the matter may save you from having problems with the IRS, Workers' Compensation, Unemployment Insurance, and other taxing agencies. If the Montana Department of Labor & Industry decides your "contract laborers" are employees, taxing agencies may assess back taxes with penalties and interest. Eventually the IRS and other agencies may contact you for their share. To avoid possible problems, ask yourself some questions before using contract labor.

EMPLOYMENT LAWS

❖ Independent Contractors ❖



The following information has been provided by the Montana Department of Labor Central Unit - 406-444-1446 – Helena, MT 59604-6518.



Is the labor you contract essential to your business? The more you depend upon contract labor to conduct your business, the more likely the contracted individuals will be considered your employees.

How do you pay the contracted workers? An independent contractor's main concern is not your bottom line, but theirs. Independent contractors have overhead and liabilities normal to any business. They usually bid or negotiate contracts to allow for profit above labor costs and other expenses. Paying by the hour or by commission usually suggests an employer/employee relationship.


Can you fire the contracted worker, or can they quit without completing the job? The answer to this question is **NO!** The courts determined that one of the greatest forms of control over a worker is the right to fire. You fire employees when their work is not satisfactory. Independent contractors usually work under a written contract, which detail specific results. If the independent contractor does not deliver, they are liable for breach of contract. If you fire an independent contractor, you also are liable for breach of contract.

Who furnishes the supplies, materials, and equipment? Independent contractors usually have their own place of business, with assets and liabilities. Independent contractors advertise their business and usually work on several contracts while they are providing services to you.


What about a contract? If your attorney or accountant draws up a contract labor agreement and the worker signs the agreement, you may think you have complied with the law. **THIS IS NOT SO!** By law a worker cannot sign away their right to workers' compensation or unemployment insurance coverage. The worker must meet the independent contractor criteria to be considered anything other than your employee. Even if the worker signs a contract stating they are an independent contractor, they may still file for workers' compensation or unemployment insurance benefits. The Montana Department of Labor & Industry will investigate the work relationship and decide if the worker is an independent contractor or an employee.

EMPLOYMENT LAWS

❖ Independent Contractors ❖



The following information has been provided by the Montana Department of Labor Central Unit - 406-444-1446 – Helena, MT 59604-6518.



What about temporary or part-time workers? Workers hired on a temporary or part-time basis are considered employees unless they meet the independent contractor guidelines.

Do I have casual labor? Casual labor means employment not in the usual course of the trade, business, profession or occupation of the employer. A casual laborer cannot promote, advance or further your trade or business. They cannot do work that would preserve, maintain or operate your business, business premises or business property. If a worker meets the definition of casual labor, they do not have to be covered as employees.

What if I still do not think they are employees? Questions involving contract labor/independent contractors are referred to the Independent Contractor Central Unit (ICCU) of the Montana Department of Labor & Industry. This unit will examine the working relationship, review all information and issue a decision. The decision of the working relationship is binding for Unemployment Insurance, Workers' Compensation, Wage and Hour, and Department of Revenue for state withholdings and Old Fund Liability Tax. You may appeal the decision and present your case to an impartial Hearings Officer. This decision may be appealed to the Board of Labor Appeals, District Courts, and the Montana Supreme Court.

Independent Contract Exemptions. Owners of a business that are holding themselves out as independent contractors must have workers' compensation coverage on themselves or obtain an Independent Contractors Exemption certificate. When approved, this will exempt an individual from workers' compensation coverage and unemployment insurance benefits. A sole proprietor, working members of a partnership, or working members of a member managed limited liability company may apply for the exemption. The exemption is \$25.00 and is good for three (3) years. Corporate officers are considered employees of the corporation and do not qualify for an independent contractor exemption. Any workers hired by an independent contractor must be covered by a workers' compensation policy.

Please contact your local Job Service Office and speak with a Business Advocate if you have questions or concerns regarding independent contractors.

EMPLOYMENT LAWS

❖ Required Posters ❖

The Butte/Anaconda and Dillon Job Service Offices have come to the rescue of local employers by providing professional employment law posters at no charge.

The following posters are required to be posted by private sector employers:

EQUAL EMPLOYMENT OPPORTUNITY

FEDERAL MINIMUM WAGE

POLYGRAPH

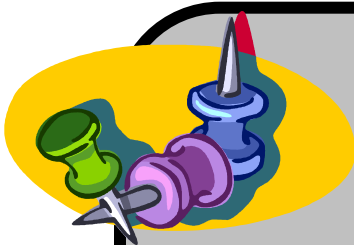
JOB SAFETY & HEALTH (OSHA)

FAMILY & MEDICAL LEAVE ACT (over fifty {50} employees)

PROOF OF UNEMPLOYMENT INSURANCE COVERAGE

PROOF OF WORKERS COMPENSATION COVERAGE

* You receive these certificates of coverage from the entities when you file for coverage.



**Please call your
local Job Service Office
for these FREE Posters!**




EMPLOYMENT LAWS

❖ Employment Laws Overview ❖

The Montana Department of Labor & Industry is committed in providing Montana Employers with proper employment law information regarding the following issues:

- 
- 
- ✓ Applicable Federal Laws
 - ✓ Construction
 - ✓ Discrimination/Human Rights
 - ✓ Safety & Health
 - ✓ Workplace Standards
 - ✓ Pregnant Employees
 - ✓ Investigations
 - ✓ Child Labor Laws
 - ✓ Wrongful Discharge
 - ✓ Workman's Compensation
 - ✓ Collective Bargaining
 - ✓ Hiring & Firing
 - ✓ Insurance & Benefits
 - ✓ Wages & Wage Protection
 - ✓ Reasonable Accommodations
 - ✓ Sexual Harassment
 - ✓ Drug Testing
 - ✓ Hazardous Occupations
 - ✓ Disabled Employees
 - ✓ Fraud

For detailed information regarding the above-specified issues or for any employment law related questions, please contact your local Job Service Office and ask to speak with a Business/Employer Advocate. You can also contact the Department of Labor & Industry directly –



Montana Department of Labor & Industry
Wage & Hour Unit
PO Box 6518
Helena, Montana 59624-6518
Phone – 406-444-5600
<http://erd.dli.mt.gov>



**"No man e'er was Glorious
who was not Laborious"**

Benjamin Franklin
Poor Richard's Almanack



Developing Your Business

DEVELOPING YOUR BUSINESS

❖ Business Requirements ❖

Each of these business structures has certain advantages and disadvantages. They should be weighed to reflect your specific circumstances, goals, and needs and before a decision is made, you should contact both an attorney and an accountant - **Sole Proprietorship – Corporation – Partnership**

File a trademark or trade name, register a business

Secretary of State
State Capitol
Helena, Montana 59620
406-444-2034
<http://www.state.mt.us/sos>

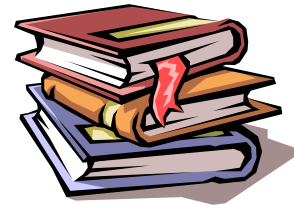


Apply for a Tax Identification Number

The Internal Revenue Service requires that each business have a tax identification number. To obtain information on receiving a tax identification number, please call
1-800-829-1040 or 1-800-829-3676.

Identify state tax requirements, state taxes and unemployment insurance

Contact the Business Bureau
Montana Department of Revenue
Mitchell Building
Helena, Montana 59620
1-800-550-1513 or 406-444-6900



Register for Workers Compensation Insurance

All businesses, which have employees, must carry this insurance to cover on the job injuries. You can contact a private insurer or –
Montana State Fund
PO Box 4750
Helena, Montana 59604-4759
1-800-332-6102 or 406-444-6500

**You Can Register On-line At
<http://montanastatefund.com>**

Montana does not issue general business licenses! Apply for Professional Licenses as necessary. The State of Montana requires that certain professions be licensed. To determine if you need to obtain a professional license, contact the Department of Labor Professional and Occupational Licensing Bureau at 406-841-2300.



**Please remember to contact your specific
county and/or city for local licensing requirements
and zoning and building permits.**

DEVELOPING YOUR BUSINESS

❖ Labor Market Information ❖

To find information on –



- | | |
|-----------------------------------|-------------------------------|
| ✓ Wage Rates | ✓ Employment & Unemployment |
| ✓ Consumer Price Index | ✓ Employment by Industry |
| ✓ Current Population Survey | ✓ Labor Surplus Areas |
| ✓ Job Projections | ✓ Census Information |
| ✓ Prevailing Wage Rates | ✓ Annual Planning Information |
| ✓ Career Planning Information | ✓ Montana Worker Information |
| ✓ Occupation Illnesses & Injuries | ✓ Specific County Information |

Please contact the Montana Department of Labor & Industry Research and Analysis Bureau – PO Box 1728, Helena, Montana 59624
Phone: 1-800-541-3904 – <http://rad.dli.state.mt.us>

America's Career Info Network (ACINET) is a valuable resource for employers and job seekers. It includes employment trends, occupational wages, economic, demographic, and other information. You can access this on the Internet – <http://www.acinet.org/>

To find information on –

- | | |
|---------------------|------------------------|
| ✓ Business | ✓ Census 2000 |
| ✓ Economics | ✓ Demographics |
| ✓ Maps | ✓ GIS Resources |
| ✓ Job Projections | ✓ Census Information |
| ✓ County Statistics | ✓ Population & Housing |



Please contact the Montana Department of Commerce –
1424 9th Avenue PO Box 200505, Helena, Montana 59620-0505
Phone: 406-444-2896 – <http://ceic.commerce.state.mt.us/>



DEVELOPING YOUR BUSINESS

❖ Economic Development Contacts ❖

Southwest Montana offers extensive loan programs and economic development services to assist employers in establishing or expanding developing businesses -

Loan Programs used for Economic Development



- Revolving Loan Fund – RLF**
- Micro-Business Loan Fund – Micro**
- Intermediary Re-Lending Program – IRP**
- Community Development Block Grant – CDBG**
- Conventional Commercial Loan – Bank**
- Small Business Administration Guarantee – SBA**
- US Department of Agriculture-Rural Development-Guarantees – USDA/RD**
- Montana Board of Investments Loan Incentive Program – MT BOI**
- Montana Growth Through Agriculture - MGTA**

Local Development Corporations – Assists businesses by providing business plan preparation, business financial projections, market feasibility studies, break-even analysis, acts as a lender liaison, and provides industry information. For additional information please phone **Jim Davison – Anaconda Local Development Corporation – 406-563-5538, Evan Barrett – Butte Local Development Corporation – 406-723-4061 or Ty Cobb – Dillon Local Development Corporation – 406-683-9706**

Service Core of Retired Executives (SCORE) – SCORE is a non-profit, volunteer organization that provides free, confidential business advice to both existing and start-up businesses. SCORE is affiliated with the Small Business Administration and is dedicated to aiding in the formation, growth, and success of all businesses in Southwest Montana. The counselors have a vast wealth of knowledge based on a history of actual successful experience. In addition to counseling, SCORE provides educational seminars on all aspects of starting and maintaining a health business. For additional information please contact **SCORE – 1000 George Street Butte, Montana 59701 – 406-723-3177**

Montana Department of Commerce Regional Development Officer – Montana is divided into five regions with a Regional Development Officer (RDO) assigned to each area as a representative of the Montana Department of Commerce. The RDO Program serves as an access point to all relevant Commerce Department Resources, and all other relevant business and community development resources. The primary purpose of the program is to provide technical assistance to businesses for the purpose of obtaining financing for start-ups, expansions, business locations from out of state, and retention. RDOs will also work extensively on smaller business projects and provide training sessions, technical assistance, appropriate referral to other relevant resources, and direct counseling. For additional information please contact **RDO – Terry Dimock – PO Box 200505, Helena, Montana 59620-0505 – 406-841-8737.**



DEVELOPING YOUR BUSINESS

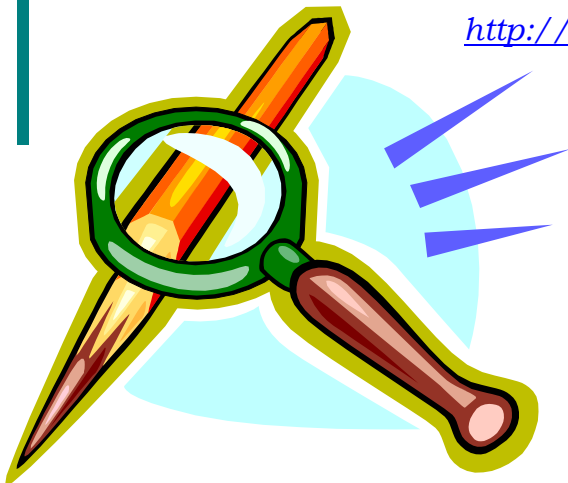
❖ Economic Development Contacts ❖

Montana Small Business Administration – Located in the Federal Building at 10 West Street, Suite 1100, Helena, Montana, the Montana District Office is the only SBA office in Montana and serves all 56 Counties. The Montana Small Business Administration aids, counsels, assists, and protects the interests of small business concerns, to preserve free competitive enterprise and to maintain and strengthen the overall economy.

Southwest Montana's Chamber of Commerce – Offers a wide variety of economic development benefits and services including business advocacy on the development of public policy and community infrastructure, and fulfillment of thousands of annual requests for business and local information. Additional services include supplying information on business and economic issues and data, and building consensus and implementing community business development goals. For additional information please contact your local Chamber of Commerce at –

Executive Director
Anaconda Chamber of Commerce
306 East Park Avenue
Anaconda, MT 59711
406-563-2400
www.anacondamt.org

Executive Director
Beaverhead Chamber of Commerce
PO Box 425 - Dillon, Montana 59725
406-683-5511
<http://bvhd.bmt.net~chamber>

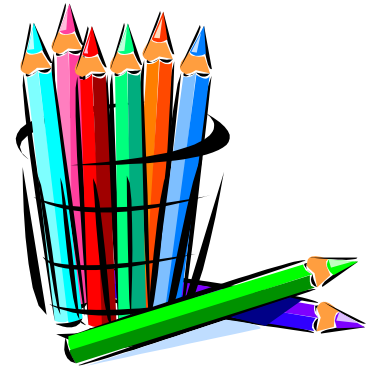


DEVELOPING YOUR BUSINESS

❖ Economic Development Contacts ❖



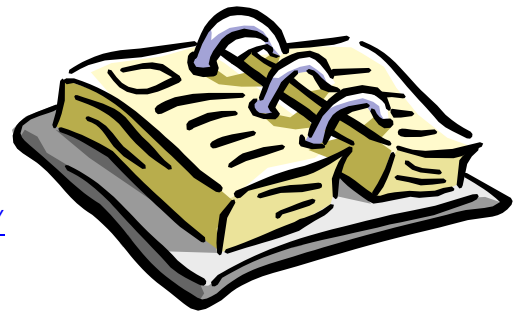
Connie Kenney –
Executive Vice President
Silver Bow Chamber of Commerce
1000 George Street
Butte, Montana 5901
406-723-3177
www.butteinfo.org



Bob Toole – President
Powell County Chamber of Commerce
1171 Main Street
Deer Lodge, Montana 59722
406-846-2094

Edna DeVries – President
Drummond Community Chamber
PO Box 364
Drummond, Montana 59832-0364
<http://www.drummondmontana.com/>

Ron Howell – President
Ennis Chamber of Commerce
PO Box 291
Ennis, Montana 59729-0291
406-682-4388
<http://www.ennischamber.com/>



Pat Hughes – President
Philipsburg Chamber of Commerce
Box 661 - Philipsburg, Montana 59858
<http://www.philipsburgmt.com/>

Frank Colwell – President
Twin Bridges Chamber of Commerce
PO Box 134
Twin Bridges, Montana 59754
406-684-5259



Jerry Fehrenbach - President
Virginia City Chamber of Commerce
PO Box 458
Virginia City, Montana 59755
1-800-829-2969
<http://www.virginiacitychamber.com/>



**"Have you something
to do tomorrow, do it today"**

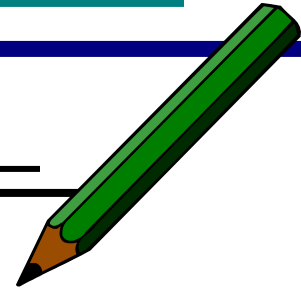
Benjamin Franklin
Poor Richard's Almanack



Forms



FORMS



❖ New Hire Reporting Law ❖

The Department of Revenue provides a guide for employers with all information necessary to comply with Montana's New Hire Reporting Law. This law requires every Montana employer to report a minimal amount of information on each new employer hired or rehired on or after October 1, 1997.

Employers who wish to receive a preprinted Montana New Hire Reporting Form, with their reprinted employer information, can call their New Hire Reporting Program toll free at 1-888-866-0327.

REPORTING OPTIONS

Reports must be submitted within twenty (20) days of the date the employee is hired or rehire –

Telephone – Call the New Hire Reporting Program toll free at 1-888-866-0327. Phones will be staffed between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday except for state holidays. You may call after hours and simply record your information.

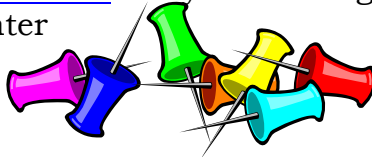
Fax – You may fax a New Hire Report on a photocopy of the Montana NHR Form or fax a copy of the employee's W-4 from by dialing 1-888-272-1990. You will need to photocopy, as needed, the original preprinted New Hire Reporting Form.

Internet – Employers may e-mail New Hire Reports via the Internet – dbogle@state.mt.us - <http://www.state.mt.us/revenue/newhire.htm>

Hard Copy – Employers may mail copies of the New Hire Report Form, W-4 form, or any other reporting form so long as it clearly delineates the requested information to – Montana New Hire Reporting Form – PO Box 8013 – Helena, Montana 59604-8013

Regardless of the format used, please make certain that all of the required information is included.

You can obtain the Montana New Hire Reporting form at <http://www.state.mt.us/revenue> or by contacting a business advocate at your local Job Service Center



FORMS



❖ Tax Credit Program for Employers ❖

The Federal Work Opportunity Tax Credit (WOTC) which allows a tax credit of up to \$2,400.00 on wages paid during the worker's first year on the job and the Welfare-to-Work (W2W) tax credit which grants up to \$8,500.00 over the first two years of employment. Both tax credits are available to private, for-profit employers who hire workers from specific targeted groups. The number of new hires who can qualify the employer for these credits is unlimited. These programs are in affect through December 31, 2001

The programs offer a federal tax credit when hiring individuals that belong to one of the eight (8) target groups listed below –

Temporary Assistance to Needy Families (TANF)

Ex-Felons

High Risk Youth

Summer Youth Employee

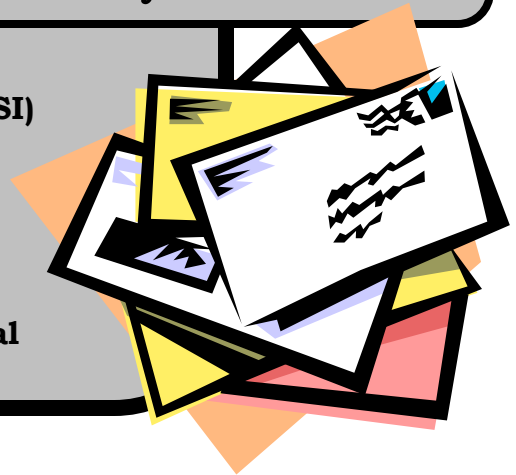
Supplemental Security Income (SSI)

Food Stamp Recipient

Veterans

Vocational Rehabilitation Referral

**Remember . . .
Contact a Business Advocate at
Your Local Job Service Office
For Any Needed Forms**

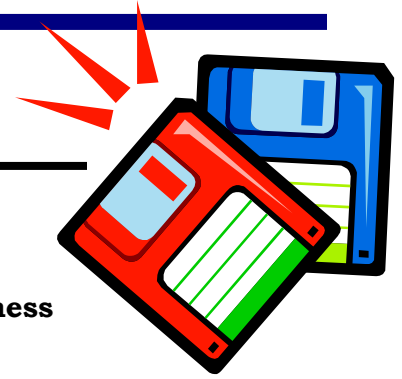


To apply for certification the employer needs to submit an IRD Form 8850 (pre Screening Notice and Certification Request) and an ETA Form 9061 (Individual Characteristics). These forms must be completed and submitted to Christy Robbins, Montana WOTC Coordinator, within twenty-one (21) days fo the employee's statrt date. You can obtain these forms at <http://www.irs.gov/> or by contacting a business advocate at your local Job Service Center

For more information, please contact Christy Robbins at 406-444-9046.



FORMS



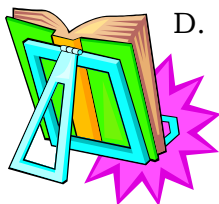
❖ Basic Employer Requirements ❖

There may be other requirements based on the type of business
1-4 Needs to be completed before you hire an employee

1. Federal Identification Number & Social Security/Federal Income Tax Withholdings – Required if you have employees – Forms are available at www.irs.gov or by calling 1-800-829-1040.
2. Unemployment Insurance and State Income Tax Withholdings – Call 406-444-6900 for a packet to be mailed to you.
 - Complete and submit UI/R-1
 - Registers you for Unemployment Insurance and State Income Tax Withholdings
3. Workers Compensation Insurance – Must have coverage on employees
 - Shop around for best deal
 - Have Coverage before employee starts working
4. Required Employment Posters – Contact your local Job Service Center
5. W-4
 - Have employee fill out right away
 - Used to determine number of deductions or exemptions they will claim. Will be used to determine amount of Federal and State Income Tax withheld per paycheck.
6. I-9 Proof of Authorization to work in the U.S.
 - Should be completed on first day the employee starts work.
 - Follow instructions on back of the form for approved documents
 - Sign form verifying you checked documents
7. New Hire Reporting Form – must be completed and sent -
 - Can mail or fax – 1-888-272-1990 along with a copy of the W-4
 - Must be submitted within twenty (20) days of employee start date

THE FOLLOWING FORMS WILL NEED TO COMPLETED

- A. 8109-b
 - You complete and submit with your payments
 - Includes – employee withholdings and you share of employee taxes
- B. W-3
 - Completed and submitted at end of year with original (top sheet) of W-2's
- C. W-2
 - Completed at end of year
 - Original (top sheet) is submitted with W-3 – step B above
 - Each employee gets a set of W-2 to be used when they file taxes
 - If employee terminates before end of the year, you may want to complete and give a set to them
- D. Paying Unemployment Insurance Premiums
 - They will send you information after you register
 - Quarterly Payments



❖ Job Application ❖

PERSONAL DATA

Name _____ Social Security # _____

Present Address _____ City _____ State/Zip _____

Phone _____ Message Phone _____

Driver's License: Operator _____ CDL _____

EDUCATION

CIRCLE HIGHEST SCHOOL YEAR COMPLETED

8 9 10 11 12 13 14 15 16 17 18 19

AA BA MA Ph.D.

Name of School Beyond High School _____

Training Length _____ Date Completed _____

Major _____ Vocational Training _____

Are you a Veteran of Military Service () Yes () No

WORK EXPERIENCE

Company Name _____ Address _____

Job Description (duties, skills, equipment used) _____

Dates of Employment: Start ____/____/____ End ____/____/____

Phone # _____ Who To Contact _____

Reason for Leaving _____

❖ Job Application ❖

WORK EXPERIENCE

Company Name _____ Address _____

Job Description (duties, skills, equipment used) _____

Dates of Employment: Start ____/____/____ End ____/____/____

Phone # _____ Who To Contact _____

Reason for Leaving _____

ADDITIONAL INFORMATION

Volunteer Work _____

Summary of Work Experience of Additional Information (Special Skills, Licenses, etc.) _____

REFERENCES (names of people not related to you) _____

Name Address Phone #

Signature _____ **Date** _____

Interview Rating Form

Position _____ name of candidate _____

Date _____ name of interviewer _____

Other interviewers _____

<u>Skill/Question</u>	Notes	Rating 1-10 (1 low 10 high)	Comments/other information
Customer Service Skills/ Tell me about the most difficult customer encounter you've experienced. How did you handle it?			
Interpersonal Skills/ Tell me about a situation in which you had to be open to a new idea or change in procedure that you did not think would work. How did you handle it?			
<u>Problem Solving Skill/</u> Tell me about a time when you were able to identify a problem and resolve it before it became a major issue.			
<u>Oral communication Skills/</u> Tell me about a time when you had to give instructions to another person who was having difficulty understanding. What did you do?			
<u>Technical Skills/</u> What are the two most valuable skills you learned in the last year and how did you apply them?			
<u>Teamwork Skills/</u> It can sometimes be difficult to fulfill individual responsibilities and be part of a team. Give me an example of a time when you had to face this conflict and reached a satisfactory compromise.			
<u>Summary rating</u>			

Recommendation: ____ hire ____ promotion ____ second interview ____ do not hire/promote

Reason for recommendation:

❖ Telephone Reference Check Form ❖

Name of Applicant	Person Contacted
Position Applying For	Position
Date of Reference Check	Employer
Person Conducting Check	City/State
Telephone Number	Telephone Number

Begin by stating your name, position, and employer. “I would like to verify some information given to us by (applicant name) who is applying for a position with our organization. I encourage you to refer to (applicant’s) written personnel record to find the information I will request. Would it be convenient for me to call you again in a few minutes, or would you like to call me back when you are prepared? If you want to call me, when may I expect your call?”

- What were the dates of (applicant’s) employment with you?
- What position(s) did she/he hold while working for you? For each position what was the nature of the work?
- Based on performance evaluations and other records in (applicant’s) personnel file, could you please provide me with facts on the following areas: attendance – quality of work/productivity – ability to take on responsibility and work independently – consistency in meeting deadlines and working under pressure
- Is there anything else I should know?

New Employee Orientation Checklist

Employee Name: _____ Date of Hire: _____

Topics to Discuss:

____ Salary

____ Employee Benefits:

Vacation: _____

Sick Leave: _____

Holidays: _____

Group Health and Life Insurance _____

Profit Sharing Plan _____

401(k) Plan _____

____ Work Schedule, Time Sheets, Pay Schedule

____ Workplace Safety

____ Procedures for getting office supplies and other purchases

____ Telephone, fax, computer logon, network, etc.

____ Parking, restrooms, etc.

Documents for Employee:

____ Employee Welcome Letter

____ Employee Handbook

____ Company Safety Practices

____ List of Company Safety Practices

____ "No Sexual Harassment Allowed" Handout

____ "Family & Medical Leave Act (FMLA)" Handout

Forms to Read, Sign and Return:

____ Employee Payroll Reporting Form

____ Employment Eligibility Verification (Form I-9)

____ Employee Withholding Allowance Certificate (Form W-4)

____ Workplace Safety Policy

____ Employee Data Sheet (emergency contact information)

____ Montana New Hire Reporting Program

Orientation Information Completed:

Employee: _____ Date: _____

Supervisor: _____ Date: _____

WARNING CHECKLIST

WRITTEN WARNINGS should include the following: A, B, C, D, E, F

WRITTEN SUSPENSIONS should include the following: A, B, C, D, E, F

WRITTEN DISCIPLINARY DEMOTION should include the following: A, B, E, F

- A. The reason for the action – what the problem is, specific dates, times, previous discipline attempts, etc.
- B. A statement of the disciplinary action being taken and why.
- C. Specific improvement or correction required – specify a time frame and follow up.
- D. A statement of the consequences of failure to improve work performance of correct behavior.
- E. Notice of grievance rights – if any.
- F. A signature of the employee acknowledging that he/she had the opportunity to review and comment on the action – not necessarily that he/she agrees with the action being taken and that he/she has received a written copy of the disciplinary action being taken.

DISCIPLINARY NOTICE

Employee Name: _____
Department: _____

Written Warning ☐

Final Warning ☐

1. Statement of the problem (violation of rules, policies, standards, practices or unsatisfactory performance): _____

2. Prior discussion or warnings on this subject (oral, written, dates): _____

3. Statement of company policy on this subject: _____

4. Summary of corrective action to be taken (include dates for improvement and plans for follow-up): _____

5. Consequences of failure to improve performance or correct behavior: _____

6. Employee comments: _____

Employee Signature _____
Date _____

Supervisor's Signature _____
Date _____

Distribution:
One Copy to Employee,
One copy to Supervisor
Original copy to Personnel File

EMPLOYEE TERMINATION EXIT CHECKLIST

Date: _____

Employee Name: _____

Position: _____

Date of Hire: _____

Date of Termination _____

Topics to Discuss:

_____ Salary/Payroll

_____ Salary Through Last Day of Employment:

_____ Accrued, Unused Vacation Through Last Day:

_____ Other Adjustments (commission, travel expenses. etc.)

_____ Disclose any Benefits Included as Taxable Wages:

_____ Total of Final Paycheck:

Employee Benefits:

_____ Health Insurance:

_____ COBRA information given to employee

_____ Date coverage ends:

_____ Reimbursement due employee for premium:

_____ Insurance company notified Life Insurance:

_____ Date coverage ends:

_____ Insurance company notified

_____ 401(k) Plan:

_____ Withdrawal/Rollover information given to employee Profit Sharing Plan:

_____ Employee notified of any distribution

Return of Company Property: _____

The Terminating Employee's Forwarding Address: _____

Completed By:

Name: _____

Position: _____

Retention Analysis Survey

- **What do you like best about your job?**
- **What do you enjoy about working in your department?**
- **What do you enjoy about working for our company?**
- **What is the most important thing that keeps you here working for us?**
- **What would you tell a friend about the pros and cons of coming to work for us?**
- **What would cause you to look for work somewhere else?**
- **If you could change any one thing to make this a better place to work, what would it be?**
- **What is important to your career development? Do we provide this to you?**

❖ Soft Skills Quiz ❖

- 1.) You are running late, and you think you're going to be 10 minutes late for work.
 - a) You don't call your place of work since 10 minutes is no big deal, but you feel that you should make up the time you lost so you make a mental note to stay 10 minutes longer at the end of your workday.
 - b) You call your place of work to let them know you'll be late and to tell them when you'll be there.
 - c) You'll be there when you get there. It wasn't your fault you were late.
- 2.) When you get dressed for your work, you
 - a) Put on your favorite outfit
 - d) Put on clothes like you see your co-workers wearing
 - c) Put on whatever you have that's clean
- 3.) Your boss comes to you and tells you that she is not happy with your work
 - d) You ask her to help you understand what the problem is and to tell you the right way to do it
 - e) You spent a lot of time on your work and can't believe your boss is getting on your case. You threaten to quit
 - f) You don't know what you did wrong and wait for your boss to tell you what to do about it
- 4.) You need to put a bill payment in the mail, and won't have time to buy a stamp at the post office – and you know there are stamps at work
 - a) You take the stamp. You know your co-workers take pens home and they're worth more than stamps anyway.
 - b) You find out where the stamps are and borrow one. You will buy stamps tomorrow and replace the one you borrowed
 - e) You go to the office manager and ask if you can buy one.
- 5.) You're having trouble with your co-worker. She seems to be exasperated with your questions about how to do the job and tells you to 'go figure it out yourself'.
 - a) You sit down with her and say you've noticed she seems frustrated. You ask her what you can do to make working together easier. If you can't work things out with her, then you go to talk to your supervisor about how to handle the situation.
 - b) You go to your supervisor and say how hard it is to work with your co-worker.
 - c) You tell your co-worker you're fed up with her.
- 6.) One of your co-workers went home sick and you have to cover for him. His phone rings. It's a customer with a question you don't know the full answer to.
 - a) You don't know who called, because you didn't pick up the phone why should you have to do extra work.
 - b) You ask the customer to hold and go to your supervisor for the answer. You relate the answer to the customer
 - c) You take a message and tell the customer he will get a call back the next day.

❖ Soft Skills Quiz ❖

Scoring:	1)	a=2	b=3	c=1
	2)	a=1	b=3	c=2
	3)	a=3	b=1	c=2
	4)	a=1	b=2	c=3
	5)	a=3	b=2	c=1
	6)	a=1	b=3	c=2

- 15 – 18 Congratulations!** You have great soft skills. You can empathize with you co-workers and your managers – you understand where they’re coming from. You’re a team player and they’re lucky to be working with you!
- 10 – 14 You have some soft skills.** You understand your basic responsibilities as an employee, but you may sometimes see things from your own point of view and not consider how your managers or coworkers see a situation.
- 9 – 6 You may be a talented, hardworking employee – but it can be hard for other to tell.** Your managers and co-workers may find it difficult to communicate with you. It’s important for you to know that you have a lot of potential – but until you brush up your soft skills others might underestimate you.



**"Employ thy time Well
If thou meanest to
Gain Leisure"**

Benjamin Franklin
Poor Richard's Almanack



Contacts

CONTACTS

❖ Frequently Needed Government Contacts ❖



Department of Labor & Industry

Job Service Division

jsd.dli.state.mt.us

Butte Job Service One Stop Workforce Center
Anaconda Job Service Workforce Center
Dillon Job Service Workforce Center

406-494-0300
406-563-3444
406-683-4259

Tax Credits
Research & Analysis – Statistics
Alien Certification Information

406-444-9046
800-633-0229
406-582-9200

Employment Relations Division

erd.dli.state.mt.us

Wage & Hour Unit
Human Rights Bureau
Safety Bureau –
Worker's Compensation
 Subsequent Injury Fund
 Contractor Registration Unit
 Independent Contractor Exemption
 Worker's Compensation Abuse Hotline



406-444-5600
800-542-0807
406-444-6401

406-444-7737
406-444-7734
406-444-1446
888-682-7463

Unemployment Insurance Division

uid.dli.state.mt.us

Helena Telephone Center
Benefits Bureau
UI Fraud

406-444-2545
406-444-3783
406-444-2767

State Fund

stfund.state..mt.us

Message Center for State Fund
Filing Accident Claims
Fraud

406-444-6500
800-332-6102
800-243-9121
888-682-7463



CONTACTS

❖ Frequently Needed Government Contacts ❖

Department of Revenue

state.mt.us/revenue

Registration Line – (UI & State Withholding)	800-550-1513
Tax Help Line	406-444-6900
Tax Help Line Fax	406-444-0629
Electronic Filing & Remitting – (UI & State Withholding)	406-444-6900
New Hire Reporting - (within 20 days of hire)	888-866-0327
New Hire Reporting Fax	888-272-1990

Other State Agencies

Citizen's Advocate	800-332-2272
Consumer Protection	406-444-4311
Child Support Line	800-346-5437
State Auditor/Insurance Commissioner	800-332-6148
Licensing Bureau	406-444-3737
Secretary of State	406-444-2034

Federal Agencies

Federal Wage & Hour	http://www.dol.gov/dol
United States Department of Labor	801-524-5706
Toll Free Referral Hotline	866-487-9243
Migrant/Seasonal Farm Worker Information	214-767-6895
Equal Employment Opportunity Commission	800-669-4000
American with Disabilities Act	800-949-4232
Job Accommodation Network	800-526-7234
Immigration – ins.us.doj.gov	800-375-5283
Occupational Safety and Health	800-488-7087
Internal Revenue Service	800-829-1040
Internal Revenue Service Forms	http://www.irs.gov/ or 800-829-3676



CONTACTS

❖ Southwest Montana Workforce Development System Members ❖

AGENCY: **Anaconda Chamber of Commerce**
PHONE NUMBER: 406-563-2400
CONTACT: Executive Director
PROGRAM: Traditional Chamber of Commerce Activities

AGENCY: **Anaconda Job Corps Center**
PHONE NUMBER: 406-563-3476
CONTACT: William Case
PROGRAM: Job Corps



AGENCY: **Anaconda Literacy Program**
PHONE NUMBER: 406-563-6932
CONTACT: Honore Bray
PROGRAM: Adult Basic Education and Literacy Services

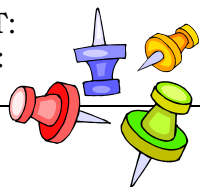
AGENCY: **Anaconda School-to-Work**
PHONE NUMBER: 406-563-6361
CONTACT: Earl Sager
PROGRAM: School-to-Work Programs

AGENCY: **Anaconda School District**
PHONE NUMBER: 406-563-5269
CONTACT: Kim Buryanek
PROGRAM: Elementary Education – Grades K - 12

AGENCY: **AWARE, Inc. - Butte**
PHONE NUMBER: 406-782-0455
CONTACT: Tom Richards
PROGRAM: Early Child Development and Head Start Programs

AGENCY: **AWARE, Inc. - Dillon**
PHONE NUMBER: Family Support - 406-683-9385
Head Start - 406-683-6335
CONTACT: Shireen Keyl – Family Support
Patti McGree – Head Start
PROGRAM: Early Child Development and Head Start Programs

AGENCY: **Beaverhead Chamber of Commerce**
PHONE NUMBER: 406-683-5511
CONTACT: Sue McRae
PROGRAM: Traditional Chamber of Commerce Activities





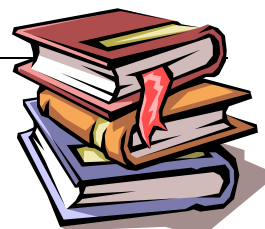
CONTACTS

❖ Southwest Montana Workforce Development System Members ❖

AGENCY: **Beaverhead County Office of Public Assistance**
PHONE NUMBER: 406-683-2142
CONTACT: Mark Beattie
PROGAM: Public Assistance Programs – Financial Assistance (TANF), Food Stamps, Medicaid, and other support services

AGENCY: **Beaverhead County Public Health Department**
PHONE NUMBER: 406-683-4771
CONTACT: Sue Hansen
PROGAM: Assistance with Public Health Issues

AGENCY: **Butte 4C's**
PHONE NUMBER: 406-723-4019
CONTACT: Barbara Mahugh
PROGAM: Individuals in Need of Childcare

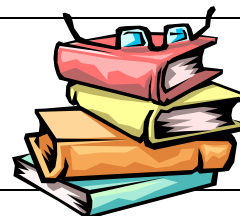


AGENCY: **Butte/Anaconda Job Service Workforce Center**
PHONE NUMBER: Butte - 406-494-0300 – Anaconda – 563-3444
CONTACT: Brenda Hipp
PROGAM: Employment & Training, Employer Advocates, Employment Consultants, and Veterans Employment Specialists

AGENCY: **Butte Silver Bow Chamber of Commerce**
PHONE NUMBER: 406-723-3177
CONTACT: Connie Kenney
PROGAM: Traditional Chamber of Commerce Activities

AGENCY: **Butte Silver Bow Office of Public Assistance**
PHONE NUMBER: 406-496-4900
CONTACT: Mark Beattie
PROGAM: Public Assistance Programs – Financial Assistance (TANF), Food Stamps, Medicaid, and other support services

AGENCY: **Butte School District**
PHONE NUMBER: 406-533-2238
CONTACT: Superintendent Uggetti
PROGAM: School-to-Work Programs



CONTACTS

❖ Southwest Montana Workforce Development System Members ❖

AGENCY: **BSW, Inc.**
PHONE NUMBER: 406-723-6501
CONTACT: John Pahut
PROGAM: Community Employment Services, Job Coaching
and Employee Development

AGENCY: **Career Futures, Inc.**
PHONE NUMBER: Butte - 406-723-9101 – Dillon – 683-2004
CONTACT: Mary Berg
PROGAM: Employment and Training, Computer Literacy
Classes, Job Readiness Training, Career Assessment
and Exploration, and Employer Services

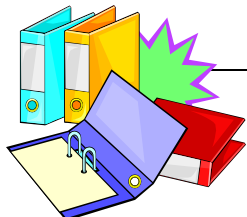
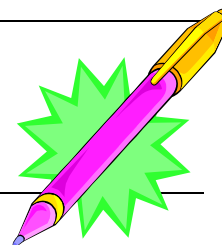
AGENCY: **CCCS, Inc.**
PHONE NUMBER: 406-782-2316
CONTACT: Lee LaBreche
PROGAM: Community Correctional Services

AGENCY: **Community Health Center - Butte**
PHONE NUMBER: 406-723-4075
CONTACT: Cindy Stergar
PROGAM: Medical and Dental Care

AGENCY: **Community Health Center - Dillon**
PHONE NUMBER: 406-683-4440
CONTACT: Lynn Robinson
PROGAM: Medical and Dental Care

AGENCY: **Deer Lodge County Office of Public Assistance**
PHONE NUMBER: 406-4563-3448
CONTACT: Mark Beattie
PROGAM: Public Assistance Programs – Financial Assistance
(TANF), Food Stamps, Medicaid, and other support
services

AGENCY: **Dillon Job Service Workforce Center**
PHONE NUMBER: 406-683-4259
CONTACT: Dan Rummel
PROGAM: Workforce Investment Act Adult 1B and Dislocated
Worker



CONTACTS

❖ Southwest Montana Workforce Development System Members ❖

AGENCY: **Dillon School District**
PHONE NUMBER: 406-683-3737
CONTACT: Dorothy Donovan
PROGAM: Elementary Education – Grades K - 12



AGENCY: **Dillon Special Resources**
PHONE NUMBER: 406-683-5773
CONTACT: Bernie Cleverly
PROGAM: Community Employment Services, Job Coaching and Employee Development

AGENCY: **Drummond Chamber of Commerce**
PHONE ADDRESS: PO Box 364, Drummond, Montana 59832
CONTACT: Edna DeVries
PROGAM: Traditional Chamber of Commerce Activities

AGENCY: **Ennis Chamber of Commerce**
PHONE NUMBER: 406-682-4388
CONTACT: Ron Howell - President
PROGAM: Traditional Chamber of Commerce Activities

AGENCY: **Experience Works!**
PHONE NUMBER: 406-782-7049
CONTACT: Mary Larkin
PROGAM: Employment and Training Service for Low Income Seniors



AGENCY: **Human Resource Council, District XII**
PHONE NUMBER: 406-496-4975
CONTACT: Elissa Mitchell
PROGAM: Youth Employment and Training, Housing Assistance, Weatherization, and Energy Assistance

AGENCY: **Job Corps DESI**
PHONE NUMBER: 406-782-4600
CONTACT: Janet Shea
PROGAM: Job Corps Admissions Counselor

AGENCY: **LVA Butte Literacy & Even Start Programs**
PHONE NUMBER: 406-723-7905
CONTACT: Paula Arneson
PROGAM: One-to-One Tutoring Program and Even Start Family Literacy Program





CONTACTS

❖ Southwest Montana Workforce Development System Members ❖

AGENCY: **Montana State AFL-CIO**
PHONE NUMBER: 406-494-0322 or 406-494-3105
CONTACT: Angela Pezdark or Debbie Shea
PROGAM: Project Challenge: Work Again

AGENCY: **Montana Tech of the University of Montana**
PHONE NUMBER: 406-496-3730
CONTACT: Lee Barnett
PROGAM: Post Secondary Education

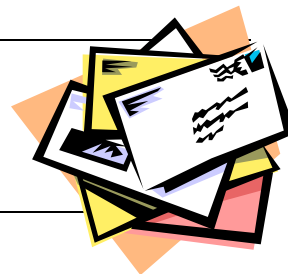
AGENCY: **Montana Vocational Rehabilitation**
PHONE NUMBER: 406-496-4925
CONTACT: Joe Murphy
PROGAM: Vocational Rehabilitation



AGENCY: **New Hope Pregnancy Center - Butte**
PHONE NUMBER: 406-723-7144
CONTACT: Marianne Casagrande
PROGAM: Free Pregnancy Tests, Support & Material Aid, Post Abortion Support, Support Groups, Clothing, and Individual Counseling

AGENCY: **New Hope Pregnancy Center - Dillon**
PHONE NUMBER: 406-683-6499
CONTACT: Teresa Best
PROGAM: Free Pregnancy Tests, Support & Material Aid, Post Abortion Support, Support Groups, Clothing, and Individual Counseling

AGENCY: **North American Indian Alliance**
PHONE NUMBER: 406-782-0461
CONTACT: Naomi Longfox
PROGAM: Montana United Indian Association



AGENCY: **PCA Family Resource Center**
PHONE NUMBER: 406-563-7972
CONTACT: Donna Thompson
PROGAM: Partnership Parenting, Adult Services, Children's Services, and Prevention Programs



CONTACTS

❖ Southwest Montana Workforce Development System Members ❖

AGENCY:	Philipsburg Chamber of Commerce
PHONE ADDRESS:	PO Box 661, Philipsburg, Montana 59858
CONTACT:	Pat Hughes - President
PROGAM:	Traditional Chamber of Commerce Activities
AGENCY:	Powell County Chamber of Commerce
PHONE NUMBER:	406-846-2094
CONTACT:	Bob Toole - Executive Director
PROGAM:	Traditional Chamber of Commerce Activities
AGENCY:	Powell County Literacy Program, Inc.
PHONE NUMBER:	406-846-2242
CONTACT:	Megan Thompson
PROGAM:	Adult Basic Education & Literacy
AGENCY:	Powell County Office of Public Assistance
PHONE NUMBER:	406-846-3680
CONTACT:	Mark Beattie
PROGAM:	Public Assistance Programs – Financial Assistance (TANF), Food Stamps, Medicaid, and other support services
AGENCY:	Rural Employment Opportunities, Inc.
PHONE NUMBER:	406-240-1772
CONTACT:	Russ Johnson
PROGAM:	Seasonal and Migrant Farm Worker Employment & Training
AGENCY:	Safe Space, Inc.
PHONE NUMBER:	406-782-9807
CONTACT:	Ellen Donohue
PROGAM:	Shelter and supportive services to survivors of domestic violence and sexual assault
AGENCY:	SW Montana Chemical Dependency Program
PHONE NUMBER:	406-683-9781
CONTACT:	Jean Conklin
PROGAM:	Substance Abuse/Chemical Dependency Treatment
AGENCY:	Suited for Success
PHONE NUMBER:	406-782-8579
CONTACT:	Charlotte Carlson
PROGAM:	Employment Clothing for Women



CONTACTS

❖ Southwest Montana Workforce Development System Members ❖

AGENCY:	Twin Bridges Chamber of Commerce
PHONE NUMBER:	406-684-5259
CONTACT:	Frank Colwell - President
PROGAM:	Traditional Chamber of Commerce Activities

AGENCY:	University of Montana at Western
PHONE NUMBER:	406-683-4269
CONTACT:	Liane Forrester or Anneliese Ripley
PROGAM:	Post Secondary Education

AGENCY:	Virginia City Chamber of Commerce
PHONE NUMBER:	1-800-829-2969
CONTACT:	Jerry Fehrenbach - President
PROGAM:	Traditional Chamber of Commerce Activities

AGENCY:	Western Montana Mental Health Center
PHONE NUMBER:	406-782-6105
CONTACT:	Natalie Rogers
PROGAM:	Assessments of Vocational Development & Job Placement Services

AGENCY:	Western Montana Mental Health Center - Dillon
PHONE NUMBER:	406-683-2200
CONTACT:	Duane Keown
PROGAM:	Outpatient Services and Adult Case Management

AGENCY:	Women's Resource Center
PHONE NUMBER:	406-683-6106
CONTACT:	Mica Sloven
PROGAM:	Resource and Referral Services

